

# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ३६] नई दिल्ली, शनिवार, सितम्बर ९, १९६७/भाद्र १८, १८८९  
No. ३६] NEW DELHI, SATURDAY, SEPTEMBER 9, 1967/BHADRA 18, 1889

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के प्रसाधारण राजपत्र २५ अगस्त १९६७ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 25th August, 1967 :—

Issue No.	No. and Date	Issued by	Subject
392	S.O. 2775, dated 8th August, 1967.	Ministry of Law	House of the People—Election to fill casual vacancy—5 kokrajhar (S.T.) Parliamentary Constituency.
393	S.O. 2776, dated 9th August, 1967.	Ministry of Commerce	Authorising Shri Chait Chard Mandhana to take over the management of the Mahalaxmi Mills Company Limited, Beawar.
394	S.O. 2777, dated 10th August, 1967.	—do—	Suspension of forward contracts in jute goods.
395	S.O. 2778, dated 11th August, 1967.	Ministry of Information and Broadcasting.	Approval of the films as specified therein.
396	S.O. 2779, dated 11th August, 1967.	Ministry of Commerce.	Quality control and preshipment inspection of Coir products as specified therein.
	S.O. 2780, dated 11th August, 1967.	—do—	The Export of Coir Products (Inspection) Second Amendment Rules, 1967.
397	S.O. 2781, dated 14th August, 1967.	—do—	Amendments to the Notification No. S.O. 1694, dated 6th June, 1966.
398	S.O. 2858, dated 14th August, 1967.	—do—	Further amendment to the Exports (Control) Order, 1962.

Issue No.	No. and Date	Issued by	Subject
399	S.O. 2859, dated 16th August, 1967.	Ministry of Commerce	Extending the period of management of Mewar Textile Mills Ltd., Bhilwara for a further period of three months from the 16th August, 1967.
400	S.O. 2860, dated 16th August, 1967.	—do.—	Amendment in the Notification No. 3918, dated 16th December, 1965.
401	S.O. 2861, dated 16th August, 1967.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.
402	S.O. 2862, dated 16th August, 1967.	Ministry of Commerce	The Imports Control Sixth Amendment Order, 1967.
403	S.O. 2863, dated 17th August, 1967.	—do.—	Further amendment in the Notification No. S.O. 3608, Dated 16th November, 1965.
404	S.O. 2864, dated 17th August, 1967.	—do.—	Suspension of forward Contracts in jute goods.
405	S.O. 2865, dated 19th August, 1967.	Ministry of Railways.	Appointment of Shri Jyotana Kumar Mitra, Additional District Judge, Jalpaiguri as <i>Ad hoc</i> Claims Commissioner in place of Shri Naranjan Sarkar.
<p>एस० ओ० 2866                      रेल मंत्रालय जलपाइगुरी के अपर जिला न्यायाधीश श्री ज्योत्सना कुमार मित्र को श्री निरंजन सरकार की जगह तदर्थ दावा आयुक्त नियुक्त करना ।</p>			
406	S.O. 2867, dated 19th August, 1967.	Ministry of Labour, Employment and Rehabilitation.	Report of the Central Government Court of Enquiry, Bombay, in the industrial dispute between the employers in relation to the major ports in India and their workmen.
407	S.O. 2951, dated 22nd August, 1967.	Ministry of Commerce.	Rescission of Order No. S.O. 1683, dated 1st June, 1966.
408	S.O. 2952, dated 22nd August, 1967.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.
409	S.O. 2953, dated 23rd August, 1967.	Ministry of Labour, Employment & Rehabilitation.	Delegation of powers to the Regional Labour Commissioner (Central), Bombay for a period of three months from the date of this Notification in respect of any strike in Indian Airlines Corporation in the state of Maharashtra in respect of the Offence punishable under section 26, 27, 28 and 29 of the Industrial Disputes Act, 1947.
410	S.O. 2954, dated 24th August, 1967.	Ministry of Commerce.	Suspension of forward contracts in jute goods.

Issue No.	No. and Date	Issued by	Subject
411	S.O. 2955, dated 25th August, 1967.	Ministry of Industrial Development and Company Affairs.	Appointment of a body of persons for making a complete investigation into the loss of production of sugar of M/s. Samastipur, Central Sugar Company Ltd., Samastipur, Distt. Darbhanga, Bihar.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मंगवत्त भर्जन पर भेज दी जाएगी। मंगवत्त प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes

## भाग II—खण्ड 3—उपखण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय अधिकार्यों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

## ELECTION COMMISSION, INDIA

New Delhi, the 29th August 1967

S. O. 3991.—In exercise of the powers conferred by section 21 and sub-section (1) of the Representation of the People Act, 1951, and in supersession of its notification No. 131/MY 66, dated the 29th December 1966, the Election Commission hereby appoints, in respect of each of the parliamentary constituencies in the State of Mysore as determined by the Delimitation Commission in its Order No. 11 dated the 25th November, 1965, published in the Gazette of India dated the 27th November, 1965, and specified in column 1 of the Table below:—

- (a) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer; and  
(b) the officer specified in the Corresponding entry in column 3 of the said Table to be the Assistant Returning Officer.

TABLE

Name of the Constituency	Returning Officer	Assistant Returning Officer
(1)	(2)	(3)
1. Bidar	Deputy Commissioner, Bidar District, Bidar.	Headquarters Assistant to the Deputy Commissioner, Bidar District, Bidar.
2. Gulbarga	Deputy Commissioner, Gulbarga District, Gulbarga.	Headquarters Assistant to the Deputy Commissioner Gulbarga District, Gulbarga.
3. Raichur	Deputy Commissioner, Raichur District, Raichur.	Headquarters Assistant to the Deputy Commissioner, Raichur District, Raichur.

I	2	3
4. Koppal	Deputy Commissioner, Raichur District, Raichur.	Headquarters Assistant to the Deputy Commissioner Raichur District, Raichur.
5. Bellary	Deputy Commissioner, Bellary District, Bellary.	Headquarters Assistant to the Deputy Commissioner, Bellary District, Bellary.
6. Chitradurga	Deputy Commissioner, Chitradurga District, Chitradurga.	Headquarters Assistant to the Deputy Commissioner, Chitradurga District, Chitradurga.
7. Tumkur	Deputy Commissioner, Tumkur District, Tumkur.	Headquarters Assistant to the Deputy Commissioner, Tumkur District, Tumkur.
8. Madhugiri	Deputy Commissioner, Tumkur District, Tumkur.	Headquarters Assistant to the Deputy Commissioner, Tumkur District, Tumkur.
9. Kolar	Deputy Commissioner, Kolar District, Kolar.	Headquarters Assistant to the Deputy Commissioner, Kolar District, Kolar.
10. Hoskote	Deputy Commissioner, Bangalore District, Bangalore.	Headquarters Assistant to the Deputy Commissioner, Bangalore District, Bangalore.
11. Bangalore	Commissioner, Corporation of the City of Bangalore, Bangalore.	Administrative Officer, Corporation of the City of Bangalore, Bangalore.
12. Kanakapura	Deputy Commissioner, Bangalore District, Bangalore.	Headquarters Assistant to the Deputy Commissioner, Bangalore District, Bangalore.
13. Mandya	Deputy Commissioner, Mandya District, Mandya.	Headquarters Assistant to the Deputy Commissioner, Mandya District, Mandya.
14. Chamarajanagar	Deputy Commissioner, Mysore District, Mysore.	Headquarters Assistant to the Deputy Commissioner, Mysore District, Mysore.
15. Mysore	Deputy Commissioner, Mysore District, Mysore.	Headquarters Assistant to the Deputy Commissioner, Mysore District, Mysore.
16. Mangalore	Deputy Commissioner, South Kanara District, Mangalore.	Headquarters Assistant to the Deputy Commissioner, South Kanara District, Mangalore.
17. Udipi	Deputy Commissioner, South Kanara District, Mangalore.	Headquarters Assistant to the Deputy Commissioner, South Kanara District, Mangalore.
18. Hassan	Deputy Commissioner, Hassan District, Hassan.	Headquarters Assistant to the Deputy Commissioner, Hassan District, Hassan.
19. Chikmagalur	Deputy Commissioner, Chikmagalur District, Chikmagalur.	Headquarters Assistant to the Deputy Commissioner, Chikmagalur District, Chikmagalur.
20. Shimoga	Deputy Commissioner, Shimoga District, Shimoga.	Headquarters Assistant to the Deputy Commissioner, Shimoga District, Shimoga.
21. Kanara	Deputy Commissioner, North Kanara District, Karwar.	Headquarters Assistant to the Deputy Commissioner, North Kanara District, Karwar.
22. Dharwar South	Deputy Commissioner, Dharwar District, Dharwar.	Headquarters Assistant to the Deputy Commissioner, Dharwar District, Dharwar.
23. Dharwar North	Deputy Commissioner, Dharwar District, Dharwar.	Headquarters Assistant to the Deputy Commissioner, Dharwar District, Dharwar.

1	2	3
24. Nalgam	Deputy Commissioner, Belgaum district, Belgaum.	Headquarters Assistant to the Deputy Commissioner, Belgaum district, Belgaum.
25. Chikodi	Deputy Commissioner, Belgaum district, Belgaum.	Headquarters Assistant to the Deputy Commissioner, Belgaum district, Belgaum.
26. Bagalkot	Deputy Commissioner, Bijapur district, Bijapur.	Headquarters Assistant to the Deputy Commissioner, Bijapur district, Bijapur.
27. Bijapur	Deputy Commissioner, Bijapur district, Bijapur.	Headquarters Assistant to the Deputy Commissioner, Bijapur district, Bijapur.

[No. 434/MY/6.]

## ORDER

*New Delhi, the 14th August 1967*

S.O. 3094.—Whereas the Election Commission is satisfied that Shri Alfret Munda of Lowadi, Village Sirjideh, P.O. Sarwada, District, Ranchi, a contesting candidate for election to the House of the People from Khunti Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Alfret Munda to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR HP/51/67(7) I]

*New Delhi the 23rd August 1967*

S.O. 3095.—Whereas the Election Commission is satisfied that Shri Motilal Jain Aluwala a contesting candidate for election to the House of the People from Chhinawara Parliamentary constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And Whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Motilal Jain Aluwala to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/25/67.]

S.O. 3096.—Whereas the Election Commission is satisfied that Shri Syed Sahib Peer, Sanjeevanagar, Rayachoty, a contesting candidate for election to the House of the People from 22-Rajampet constituency, has failed to lodge an account of his election expenses within time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Syed Sahib Peer to be disqualified for being

chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/22/67(I).]

**S.O. 3097.**—Whereas the Election Commission is satisfied that Shri Sadavala Subbanna, Main Street, Rajampet, a contesting candidate for election to the House of the People from 22-Rajampet constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules, made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sadavala Subbanna to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/22/67(II).]

**S.O. 3098.**—Whereas the Election Commission is satisfied that Shri Gangadhar Dehuri of Village and P.O. Balliguda, P.S. Balliguda, District Baudh-Khondmals, a contesting candidate for election to the House of the People from Phulbani Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gangadhar Dehuri to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-HP/14/67.]

*New Delhi, the 24th August 1967*

**S.O. 3099.**—Whereas the Election Commission is satisfied that Shri Sadhu Deberdra Nath Das of Village and Post Office Chinpal, Birbhum District, a contesting candidate for election to the House of the People from 40-Birbhum Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sadhu Debendra Nath Das to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. WB-HP 40/67(2).]

*New Delhi, the 26th August 1967*

**S.O. 3100.**—Whereas the Election Commission is satisfied that Shri Digesh Namasudra, Village Karairabond, P.O. Durilabchara, District Cachar (Assam), a contesting candidate for election to the House of the People from Karimganj Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Digesh Namasudra to be disqualified for

being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. AS-HP/2/67(1).]

By Order,

K. S. RAJAGOPALAN, Secy.

## MINISTRY OF HOME AFFAIRS

*New Delhi, the 29th August, 1967*

**S.O. 3101.**—In pursuance of sub-clause (d) of clause (10) of section 3 of the General Clauses Act, 1897 (10 of 1897), and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 832, dated the 21st July, 1960, the Central Government hereby appoints the Financial Commissioner, Himachal Pradesh, to be the Chief Controlling Revenue Authority, within the Union territory of Himachal Pradesh, for the purposes of the Indian Stamp Act, 1899 (2 of 1899).

[No. F. 2/5/67-UTL]

P. N. VASUDEVAN, Deputy Secy.

*New Delhi, the 31st August 1967*

**S.O. 3102.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Home Affairs G.S.R. 519, dated the 22nd March, 1963, relating to the appointment of a Compensation Tribunal for the State of Orissa, namely:—

In the said notification, for item 2 and the entries relating thereto, the following shall be substituted, namely:—

"2. Shri K. C. Chand, Assistant Appellate Commissioner of Income-tax, Cuttack."

[No. 4/5/65-Poll.(Spl.).]

N. VITTAL, Under Secy.

## MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 30th August 1967*

**S.O. 3103.**—In pursuance of clause (a) Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises the Indian Trade Agent, Bahrain to perform the duties of a consular agent.

[No. T.4330/5/67.]

S. K. CHATTERJEE, Under Secy.

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

New Delhi, the 31st August 1967

S.O. 3104.—Statement of the Affairs of the Reserve Bank of India as on the 25th August 1967.

**BANKING DEPARTMENT**

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . . . .	5,00,00,000	Notes . . . . .	29,73,28,000
		Rupce Coin . . . . .	3,81,000
Reserve Fund . . . . .	80,00,00,000	Small Coin . . . . .	3,19,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	131,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	236,23,17,000
National Agricultural Credit (Stabilisation) Fund . . . . .	25,00,00,000	Balances Held Abroad* . . . . .	16,25,80,000
National Industrial Credit (Long Term Operations) Fund . . . . .	30,00,00,000	Investments** . . . . .	277,28,22,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments @ . . . . .	34,91,08,000



Deposits :—

(a) Government

(i) Central Government

(ii) State Governments

(b) Banks

(i) Scheduled Commercial Banks

(ii) Scheduled State Co-operative Banks

(iii) Non-Scheduled State Co-operative Banks

(iv) Other Banks

(c) Others

Bills Payable

Other Liabilities

Rupees

842,80,48,000

Loans and advances to :—

(i) Scheduled Commercial Banks†

(ii) State Co-operative Banks‡

(iii) Others

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—

(a) Loans and Advances to :—

(i) State Governments

(ii) State Co-operative Banks

(iii) Central Land Mortgage Banks

(b) Investment in Central Land Mortgage Bank Debentures

Loans and Advances from National Agricultural Credit (Stabilisation) Fund :—

Loans and Advances to State Co-operative Banks

Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund :—

(a) Loans and Advances to the Development Bank

(b) Investment in bonds/debentures issued by the Development Bank

Other Assets

Rupees

842,80,48,000

\*Includes Cash and Short-term Securities.

\*\*Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 31st day of August, 1967.

An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 25th day of August, 1967.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department.	29,73,28,000		Gold Coin and Bullion :—		
Notes in circulation	2905,76,31,000		(a) Held in India	115,89,25,000	
Total Notes issued		2935,49,59,000	(b) Held outside India		
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		78,26,75,000
			Government of India Rupee Securities		257,49,15,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		2935,49,59,000	TOTAL ASSETS		2935,49,59,000

Dated the 31st day of August 1967.

L. K. JHA,  
Governor.

[No. F.3(3)-BC/67.]

V. SWAMINATHAN, Under Secy.

## (Department of Revenue and Insurance)

## ESTATE DUTY

New Delhi, the 29th August 1967

**S.O. 3105.**—The Central Government hereby renews the appointment of the undermentioned Valuers, whose names were previously published as S.O. 2579 in Part II, Section 3(ii) of the Gazette of India, dated 1st August, 1964 for a further period of five years with effect from the 27th July, 1967.

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed:

Provided that where two or more properties are required to be valued:—

- (i) by a Committee of Arbitration or by a third Valuer in pursuance of a single order, or
- (ii) by a Valuer, in pursuance of a single reference made by a Controller of Estate Duty or at the instance of an accountable person.

all such properties shall be deemed to constitute a single unit of property for the purposes of fixing the fee payable to the Committee or the Valuer, as the case may be:

Provided further that where the same property or properties, required to be valued by the same Committee of Arbitration or, as the case may be, by the same Valuer, is or are common to more than one case and the valuation relates to the same date, the Committee of Arbitration or the Valuer shall be entitled to charge fees at the scale fixed below only in one case and in the remaining case or cases the said Committee of Arbitration or Valuer shall be entitled to charge fees not exceeding rupees one hundred per case.

## Scale of Charges

On the first Rs. 50,000 of the property so valued ..	½% of the value
On the next Rs. 1,00,000 of the property so valued ..	½% of the value
On the balance of the property so valued ..	1/8% of the value

3. Notwithstanding anything contained in paragraph 2, the remuneration payable to a Valuer shall in no case be less than Rs. 50 (Rupees fifty).

## APPENDIX

Sl. No.	Name	Address
<i>I—Engineers/Surveyors/Architects</i>		
1	Shri Chitale, Srikrishna L. A.R.I.B.A., Di.Arch., A.I.I.A.	Dhun Building, 175/1, Mount Road, Madras-2.
2	Shri Chokshi, Rajendra K. A.I.I.A., A.R. I.B.A., A.M.T.P.I., S.P. D'p. (Lond.)	110, Medows Street, Fort, Bombay-1.
3	Shri Sathe, G. G., A.R.I.B.A., F.I.I.A.	Architect Engineer, Sathe Wada, Bazar Peth, Kalyan, (Bombay).
4	Shri Subblah, C. P., B.E., C.E.	Guiya Village, Siddapur, Coorg Distt. Mysore State.
5	Shri Jawahar, A. B.E., A.M.I.E. (Ind.), A.M.I.S.E., A.M.I.E.T. (Lond.)	129, North Veli Street (near Albert Victor Bridge) Madurai-1.
6	Shri Balasubrahmanyam, M. N. B.Sc., B.E., Civil Engineer.	No. 8, Gowder Colony, Tatabad 11th Street Coimbatore-12.
<i>II—Accountants</i>		
1	Shri Anderson, J.	C/o M/s. A. F. Ferguson & Co., Allahabad Bank Buildings, Apollo Street, Bombay-1.

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2

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## III—Actuary

- I Shri Vijayakar, I.R. M. Com. F.I.A. (Lond.) 94, S. V. Road, Santacruz, Bombay-54,

## IV—Tea Estates

- I Shri Mitra, S. K. . . . . Ambikapatti, Silchar (Cachar)  
 2 Shri Anand Prakash . . . . . C/o M/s Darshanlal Tea Estates & Industries,  
 19, Tilak Road, Dehradun. Post Box No.  
 46.

## V—Valuation of Standing Forests

- I Shri Navinkurve, U. R. . . . . C.O.F., Aurangabad Circle, Maharashtra  
 State.

[No. 15/F. No. 5/44/67-E.D.]

G. R. HEGDE, Dy. Secy.

## (Department of Revenue and Insurance)

## STAMPS

New Delhi, the 9th September 1967

**S.O. 3106.**—In exercise of the powers conferred by clause (a) of sub section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the *ad hoc* bonds to the value of sixty-seven lakhs of rupees issued on the 30th October, 1964 and further *ad hoc* bonds to the value of sixty-seven lakhs of rupees issued on the 1st July, 1967, by the Bihar State Financial Corporation are chargeable under the said Act.

[No. 8/67-F. No. 1/54/67-Cus. VII/Stamps.]

M. S. SUBRAMANYAM, Under Secy.

## CENTRAL BOARD OF DIRECT TAXES

## INCOME-TAX

New Delhi, the 29th August 1967

**S.O. 3107.**—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the ranges specified in Column 1 of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in Column 2 thereof.

## SCHEDULE

Range 1	Income-tax Circles, Wards and Districts 2
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## A-Range, Jaipur.

1. B. C. E. G. H and J-Wards, Jaipur.
2. Companies Circle, Jaipur; Companies Circles I & II, Jaipur.
3. Special Survey Circles I & II, Jaipur.
4. All Income-tax Wards having Head-quarters at Kota.
5. All Income-tax Wards having head-quarters at Alwar.
6. Sawai Madhopur.
7. Bharatpur.
8. All Income-tax Wards having head-quarters at Ajmer.

Range  
1Income-tax Circles, Wards and Districts  
2**B-Range, Jaipur.**

1. A, D & F Wards, Jaipur.
2. Special Investigation Circles A & B, Jaipur.
3. Central Circles I & II, Jaipur.
4. Estate Duty, Jaipur.
5. Salary Circles I & II, Jaipur.
6. Special Assessment Circles I, II and III, Jaipur.
7. Special Assessment Circle, Jaipur.
8. All Income-tax Wards having headquarters at Bikaner.
9. All Income-tax Wards having headquarters at Sriganganagar.
10. Sikar.
11. Jhunjhunu.

**Jodhpur Range, Jodhpur**

1. All Income-tax Wards & Circles having headquarters at Jodhpur.
2. All Income-tax Wards having headquarters at Sirohi.
3. All Income-tax Wards having headquarters at Pall.
4. All Income-tax Wards having headquarters at Nagaur.

**Udaipur Range, Udaipur.**

1. Bhilwara.
2. All Income-tax Wards and Circles having headquarters at Udaipur.
3. Beawar.
4. Chittorgarh.

Where an Income-tax Circle Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income-tax of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 1st September 1967.

*Explanatory Note*

The amendments have become necessary on account of equalisation of work load of the AACs and allotment of contiguous and compact area to them.

(This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 87(F. No. 50/64/67-ITJ.)

P. G. GANDHI, Under Secy.

**CENTRAL BOARD OF EXCISE AND CUSTOMS****Customs**

*New Delhi, the 9th September 1967*

**S.O. 3108.**—In exercise of the powers conferred by Section 9 of the Customs Act, 1962 (52 of 1962) the Central Board of Excise and Customs hereby declare Kalamassery Ernakulam District in the State of Kerala to be a warehousing station.

[No. 91/67-F. No. 3/35/67-Cus.VIII.]

**S.O. 3109.**—In exercise of the power conferred by section 157 of the Customs Act, 1962 (52 of 1962) the Central Board of Excise and Customs hereby makes the following regulations to amend the Imported Goods (Transshipment by Air) Regulations, 1963 issued with the Central Board of Revenue notification No. 150-Customs dated 15th June, 1963, namely:—

In regulation 5 of the said regulations for the words "a certificate issued by the proper officer at the customs airport of destination that the goods have been landed at that airport", the words "a certificate issued by the proper officer at the customs station specified in the said bond and situated at or nearest to the airport of destination that the goods have been produced at that station" shall be substituted.

[No. 92/F. No. 22/39/66-LC.II.]

M. S. SUBRAMANYAM, Under Secy.

## POONA CENTRAL EXCISE COLLECTORATE

### CENTRAL EXCISES

*Poona, the 19th August 1967*

**S.O. 3110.**—In exercise of the powers vested on me under Rule 5 of the Central Excise Rules, 1944, I empower all Superintendents of Central Excise in charge of M.O.Rs. or factories in the Poona Central Excise Collectorate to exercise within their respective jurisdictions the powers of the Collector under the proviso to Rule 53 of the Central Excise Rules, 1944.

[No. CER. 7/67.]

M. C. DAS,

Collector of Central Excise, Poona,

## THE MADRAS CENTRAL EXCISE COLLECTORATE, MADRAS

### CENTRAL EXCISE

*Madras, the 25th August 1967*

**S.O. 3111.**—In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944, and in modification of this Collectorate Notification No. IV/16/290/64-CX.I, dated 28th April 1967, I hereby empower the Central Excise Officers specified below to exercise within their jurisdiction, the powers of the Collector under the rules enumerated in column 2 of the table below subject to the conditions set out in column 3 thereof:—

Rank of Officer	Relevant Rules in respect of which power is delegated	[Conditions and limitations]
1	2	3
Junior (upgraded) Superintendent of Central Excise and Senior Superintendent of Central Excise where there is no Junior Superintendent of Central Excise in charge of any particular Range or Factory.	Rule 47 and Rule 53 of the Central Excise Rules, 1944.	To grant permission to manufacturers of excisable good not to make entries in R.G/E.B. 4 accounts on the dates when there is no production receipt in store room or clearances of the particular excisable goods provided the manufacturers declare that no such transaction has taken place or would take place on any date for which no entries are made and also undertake to make entries as and when such transaction takes place

[C.No. IV/16/290/64-CX.I.]

S. VENKATARAMAN, Collector.

## CENTRAL EXCISE COLLECTORATE, DELHI

## CENTRAL EXCISES

Delhi, the 30th August 1967

S.O. 3112.—In pursuance of Rule 5 of the Central Excise Rules, 1944, I, Collector of Central Excise, Delhi, hereby authorise the officers mentioned in column 2 of the table given below to exercise within their respective jurisdiction, the powers of the Collector under rules mentioned in column 3 of the table, subject to the limitations in column 4 thereof:—

Sl. No.	Rank of Officers	Central Excise Rules	Limitation, if any
1	2	3	4
1	Superintendent	96ZA(1).	To accept first A.S.P. application for full period for which special procedure can be availed of.
		96ZA(2)	To accept first A.S.P. application for period less than the prescribed period
		96ZA(4)	To accept renewal application in form A.S.P. and to condone delays not exceeding 15 days in submission of A.S.P. application for renewal.
		96ZD(2)	To condone delays in submission of application for removal in form A.R. 6 and to condone delays in making monthly deposits, not exceeding 5 days in both the cases.
2	Assistant Collector	96ZA(3)	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to give proper notice for not availing of such procedure during the period for which permission has been granted to him.
		96ZA(4)	To condone delays exceeding 15 days in submission of A.S.P. application for renewal.
		96ZD(2)	To condone delays, exceeding the limits under Superintendent's power, in submission of application for removal in form A.R. 6 and to condone delays in monthly deposits exceeding the limits under Superintendent's power.
3	Adjudicating Officers in accordance with their limits of powers.	96ZF(i)	To demand duty at full rate as penalty for mis-declaration etc.
		96ZF(ii)	To confiscate goods as penalty for mis-declaration etc.
		96ZF(iii)	To impose penalty for mis-declaration etc not exceeding Rs. 2,000/-.

[No. C. IV(8)2CE/67.]

[No. 6/67.]

R. PRASAD,  
Collector of Central Excise, Delhi.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, PATNA***Patna, the 10th August 1967*

**S.O. 3113.**—In supersession of this Collectorate Notification No. 2/CX/67, dated 12th May, 1967 I hereby empower Superintendents of Central Excise to exercise within their respective jurisdiction, the power of the Collector of Central Excise under the proviso to Rule 53 of the Central Excise Rules, 1944 as incorporated by Notification No. 162/66, dated 15th October, 1966 of the Government of India. In cases where no superintendent is posted in Range/Factory such powers may be exercised by the Senior Superintendent of Central Excise of the respective circle and in case of Integrated Division by the Assistant Collector.

[No. 3/CX/1967.]

[Case No. IV(16)/24/59/29997.]

TILAK RAJ, Collector,

**OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE, COCHIN****CENTRAL EXCISES***Cochin, the 21st August 1967*

**S.O. 3114.**—In exercise of the powers conferred by rule 5 of the Central Excise Rules, 1944, and in supersession of the Notification No. 4/67, (Central Excises), dated 1st May, 1967, issued by this Collectorate, I hereby empower all officers of and above the rank of Superintendents of Central Excise Class II to exercise within their respective jurisdictions, the powers of "Collector" under Rule 47(4) and the proviso to Rule 53(d) of the Central Excise Rules, 1964, as inserted by the Central Excise (7th Amendment) Rules, 1966.

(Issued from file C. No. IV/16/116/67 Cx I).

[No. 8/67.]

D. N. KOHLI,  
Collector.**MINISTRY OF STEEL, MINES & METALS****(Department of Mines & Metals)***New Delhi, the 25th August 1967*

**S.O. 3115.**—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the office of the National Coal Development Corporation Ltd., (Revenue Section), Darbhanga House, Ranchi, or at the office of the Deputy Commissioner, Hazaribagh or at the office of the Coal Controller, 1-Council House Street, Calcutta.

All persons interested in the lands mentioned in the said Schedule shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer of the National Coal Development Corporation Ltd., Darbhanga House, Ranchi, within 90 days from the date of publication of this notification.



## SCHEDULE

## Taping Block (West Bokaro Coal Field)

Drg. No. Rev/114/63

Dated the 28th September, 1963.

(Showing the area notified for prospecting.)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Gobindpur	Mandu	57	Hazaribagh		Part
2.	India	"	61	Do.		"
3.	Phusri	"	62	Do.		"
4.	Bahera	"	63	Do.		"
5.	Pindra	"	112	Do.		"
6.	Taping	"	113	Do.		"
7.	Mandu	"	114	Do.		"
8.	Keke Basaudi	"	115	Do.		"
9.	Pundi	"	116	Do.		"

Total area : 3354.00 acres (approximately)

OR 1358.37 hectares -do-

## BOUNDARY DESCRIPTION:

A-B line passes through villages Bahera, Phusri, India, again Phusri and Gobindpur (goes up-to Southern bank of River Bokaro) and meets at point 'B'.

B-C line passes through villages Gobindpur, Mandu, Keke Basaudi and Pundi and meets at point 'C'.

C-D line passes through villages Pundi, Taping and Pindra and meets at point 'D'.

D-E line passes through villages Pindra and Taping and meets at point 'E'.

E-F line passes along the part common boundary of villages Taping and Pindra and meets at point 'F'.

F-G-A lines pass along the part common boundary of village Kajri and Phusri and through villages Phusri and Bahera and meets at Point 'A'.

## SCHEDULE

## Kedla Block

(West Bokaro Coal field)

Drg. No. Rev/114/63.

Dated 28th September, 1963.

(Showing the area notified for prospecting.)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Basantpur	Mandu	105	Hazaribagh		Part
2.	Kotre	"	106	"		"
3.	Duru Kasmar	"	108	"		"
4.	Pachanda	"	107	"		"
5.	Garkia or Parsabera	"	158	"		"
6.	Banji	"	159	"		"
7.	Kedla	"	160	"		"
8.	Chakdih	"	161	"		Full
9.	Loiyo	"	162	"		Part
10.	Pachmo	Gumia	27	"		"
11.	Hurdag	"	28	"		"
12.	Rahawan	"	29	"		"
13.	Baghraiya	"	30	"		"

Total Area 6950.00 Acres (Approx.) or 2814.75 hectares (Approx.)

**BOUNDARY DESCRIPTION:**

- U-V. line passes through villages Basantpur and Pachanda meets at point 'V'.
- V-W. line passes along the part central line of Chutua Nadi (Which is part common boundary of West Bokaro Colliery) and meets at point 'W'.
- W-X-Y-Z-T. lines pass through villages Duru Kasmar, Banji, Kedla and Garkia or Parsabera (which is part common boundary of West Bokaro Colliery) and meet at point 'T'.
- T-S. line passes through village Garkia or Parsabera and meets at point 'S'.
- S-A/1. line passes along the part Central line of Chotha Nadi (Which is common boundary of village Garkia or Parsabera and Sirka, Loiyo and Sirka, Loiyo and Bhuiyadih and Loiyo and Badgaon and meets at point 'A/1'.
- A/1-B/1. line passes along the part Southern bank of Chotha Nadi in Village Loiyo and meets at point B/1.
- B/1-C/1-D/1-E/1-F/1. Lines pass through and along part northern and part southern boundary of Chotha Nadi in Village Loiyo (which is also part common boundary of Loiyo Block Extn. notified U/S 4(1) of Coal Act vide S.O. 1963 dated 4th July, 1963) and meet at point 'F/1'.
- F/1-G/1-H/1. lines pass through village Loiyo (which is also part common boundary of Loiyo Block notified U/S 7(1) of Coal Act vide S.O. No. 1893, dated 29th May, 1964) and meet at point H/1.
- H/1-H/2-I/1. lines pass through villages Rahawan and Baghraya (which is also part Common boundary of Loiyo Block Ext. notified u/s. 4(1) of Coal Act vide S.O. No. 1973 dated 4th July, 1963) and meet at point I/1.
- I/1-J/1-K/1-U. lines pass through villages Baghraya, Pachmo, Rahawan, again Pachmo, Hurdag, Kotre and Basantpur and meet at point 'U'.

**SCHEDULE****Area Block II**

(West Bokaro Coal Field)

Drg. No. Rev./114/63.

Dated 28th September, 1963,

(Showing the area notified for prospecting).

Sl. No.	Village	Thana	Thana No.	Distr.	Area	Remarks
1.	Pundi	Mandu	116	Hazaribagh		Part
Total area :--4.10 acres (Approx.)						
OR 1.66 Hectares (Approx.)						

**BOUNDARY DESCRIPTION:**

- L/1-M/1. Line passes through village Pundi (which is part common boundary of Pundi Block notified u/s. 9(1) of Coal Act vide S.O. No. 2127 dated 11th June, 1964, and meets at point M/1.
- M/1-N/1. line passes through village Pundi (which is part common boundary of Pundi Block notified u/s. 9(1) of Coal Act vide S.O. No. 2127 dated 11th June, 1964, and meets at point M/1.
- N/1-O/1-L/1. Lines pass through village Pundi (which is part common boundary of West Bokaro Colliery) and meet at point L/1.

**SCHEDULE**  
**Area Block III**  
**(West Bokaro Coal Field)**

Drg. No. Rev./114/63.

Dated 28th September, 1963.

(Showing the area notified for prospecting).

S. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Barughutu	Mandu	118	Hazaribagh		Part
Total area : 3.00 Acres (Approx) or 1.22 Hectares (do)						

**BOUNDARY DESCRIPTION:**

P/1-Q/1 line passes along the part Eastern Bank of Bokaro River in Village Barughutu (which is part common boundary of Pundi Block notified u/s. 9(1) of Coal Act *vide* S.O. No. 2127 dated 11th June, 1964) and meets at point Q/1.

Q/1-R/1-P/1 lines pass through village Barughutu (which is part common boundary of West Bokaro Colliery) and meet at point P/1.

[No. C2-20(18)/64.]

**ERRATUM**

New Delhi, the 31st August 1967

S.O. 3116.—In the Corrigendum of the Government of India in the Ministry of Steel, Mines and Metals (Department of Mines and Metals) No. S.O. 2311 dated the 6th July, 1967 published in Part-II Section 3, Sub-section (ii) of the Gazette of India dated the 15th July, 1967, at pages 2315-2316:—

at page 2315

In lines 1 and 2, for "Ministry of Steel", Mines and Metals".....read "Ministry of Steel, Mines and Metals" and in line 2 for "34th April," read "24th April, 1967".

[No. C2-22(1)/67.]

RAM SAHAY, Under Secy.

**MINISTRY OF PETROLEUM & CHEMICALS**

New Delhi, the 9th September 1967

S.O. 3117.—Whereas by a Notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 25 dated the 27th December, 1966 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And, whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user

In the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

## SCHEDULE

State—Gujarat	District—Broach	Taluka—Ankleshwar		
Village	Survey No.	Hector	Acre	Prati are
Umarwada	283	0	10	70
	284/B	0	9	05
	284/A	0	13	74
	285/B	0	4	68
	286	0	8	05
	287	0	16	21
	288	0	9	66
	289	0	16	81
	290	0	15	72
	291	0	21	35
	248	0	13	09
	245	0	27	04
	238	0	23	30
	236/A }	0	10	03
	237 }			
	264	0	16	36
	235/A	0	12	55
	235/B	0	9	95
	226/A	0	9	29

[No. 31/41/64-ONG Prod. Vol. 2.]

B. S. S. RAO, Under Secy

## वाणिज्य मंत्रालय

नयी दिल्ली, 29 जून 1967

एस० न्रो० 3118.—नारियल जटा उद्योग अधिनियम 1953 (1953 के 45) की धारा 4 के साथ पठित नारियल जटा उद्योग नियम 1954 के नियम 5 के उपनियम (1) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा वाणिज्य मंत्रालय की अधिसूचना संख्या सं० आ० 2672 दिनांक 31 अगस्त 1966 में, जो सं० आ० 3914 दिनांक 19 दिसम्बर 1966 द्वारा संशोधित रूप में है, निम्नलिखित संशोधन और करती है, अर्थात् :-

मद '(ख) भूसी, नारियल जटा तथा नारियल जटा धागा के उत्पादन तथा नारियल जटा के उत्पादों के निर्माण में लगे हुए व्यक्ति' के क्रमांक (1)

में “श्री टी० वी० थामस, अध्यक्ष, नगर परिषद अल्लेपी” के स्थान पर निम्नलिखित रखा जाएगा अर्थात्

“श्री पी० के० पद्मनाभन, उपाध्यक्ष, ट्रावनकोर नारियल जटा कर्मचारी यूनियन, अल्लेपी” ।

[मि० स० 21(1)/66-टेक्स (ई०)]

ए० जी० वी० सुब्रह्मण्यम, अव्वर सचिव ।

## MINISTRY OF COMMERCE

*New Delhi, the 25th August 1967*

**S.O. 3119.**—In pursuance of sub-rule (4) of rule 155 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that, in exercise of the powers conferred by clause (b) of sub-rule (1) of the said rule, the Central Government hereby removes the names of Sarva Shri Nagoo Shrinivas Gubbi and M. P. Shikhare from the Register of Trade Marks Agents.

[No. 6(1)Exp. Insp./TM/67.]

*New Delhi, the 30th August 1967*

**S.O. 3120.**—The Central Government having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Kanpur Oils and Oilseeds Exchange Ltd., Kanpur, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Exchange for a further period of three years from the 10th October, 1967 up to the 9th October, 1970 (both days inclusive) in respect of forward contracts in linseed.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. F. 34(9)-Com.Genl.(FMC)/67.]

M. L. GUPTA, Under Secy.

## ORDER

*New Delhi, the 31st August 1967*

**S.O. 3121.**—In exercise of the powers conferred by sub-section (4A) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby rescinds the Cotton and Staple Fibre Textile Mills (Regulation of Working) Order, 1966, dated the 24th December, 1966, except as respects things done or omitted to be done under the said Order.

[No. F.11(51)-Tex(A)/67.]

H. K. KOCHAR, Jt. Secy.

## (Office of the Jt. Chief Controller of Imports and Exports)

## (Central Licensing Area)

## ORDER

*New Delhi, the 30th August 1967*

**S.O. 3122.**—M/s. Didwania Brothers Private Limited, 1/1666, Lothian Road, Kashmere Gate, Delhi-6 were granted an established importers licence No. P/EI/0137203 dated 22nd September 1966 for Rs. 35,000/- for import of Permissible spare parts of Motor Vehicles under U.S. Aid Loan No. 160 for April-66—March-67 licensing period. They have applied for the Duplicate Custom Purpose and Exchange Control copies of the said licence on the ground that the original licence has been lost or misplaced. It is further stated by the firm that the original licence was not registered with any custom House hence has not been utilised.

In support of this declaration, the applicant has filed an affidavit duly attested by Oath Commissioner stating that the original licence has been lost or misplaced.

I am satisfied that the said original licence No. P/EI/0137203 dated 22nd September 1966 has been lost and direct that duplicate Custom Purpose and Exchange Control Purpose copies should be issued to the applicant. The original licence is cancelled.

[No. D-7/SL/USA-AID/AM-67/CLA./454.]

RAM MURTI SHARMA, Jt. Chief Controller.

**MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS****(Department of Industrial Development)***New Delhi, the 31st August 1967*

**S.O. 3123.**—Whereas by Resolution No. 8(38)-Lic. Pol. 67, dated the 22nd July, 1967 of the Government of India in the Ministry of Industrial Development and Company Affairs (Department of Industrial Development), an Expert Committee has been constituted for the purpose of enquiring into a definite matter of public importance, namely, the working of the industrial licensing system during the past ten years with a view to ascertaining whether the larger industrial houses have, in fact, secured undue advantage over other applicants in the matter of issue of such licences and other connected matters;

And whereas the Central Government is of opinion that the provisions of section 4, sub-sections (2), (3), (4) and (5) of section 5, section 6, section 9 and section 10 of the Commissions of Enquiry Act, 1952 (60 of 1952) should be made applicable to the said Committee;

Now, therefore, in exercise of the powers conferred by section 11 of the said Act, the Central Government hereby directs that the provisions of section 4, sub-sections (2), (3), (4) and (5) of section 5, section 6, section 9 and section 10 of the said Act shall apply to the said Committee.

[No. 8(38) Lic. Pol./67.]

R. C. SETHI, Under Secy.

**औद्योगिक विकास तथा समवाय-कार्य मंत्रालय****(औद्योगिक विकास विभाग)**

नई दिल्ली, ३१ अगस्त १९६७

**एस० आर० ३१२४**—जबकि भारत सरकार के औद्योगिक विकास तथा समवाय-कार्य मंत्रालय (औद्योगिक विकास विभाग) के संकल्प सं० ८ (३८)—लाइ० पालि०/६७ दिनांक २२ जुलाई १९६७ के द्वारा सार्वजनिक महत्व के निश्चित मामले, अर्थात् पिछले दस वर्षों में औद्योगिक लाइसेंस दिये जाने संबंधी पद्धति की कार्य प्रणाली की जांच करने के प्रयोजन से एक विशेषज्ञ समिति गठित की गई है जो इस बात का निश्चय करेगी कि क्या वस्तुतः बड़े औद्योगिक समूहों

ने अन्य आवेदकों की अपेक्षा इस प्रकार के लाइसेंस जारी किये जाने के मामलों तथा अन्य संबंधित मामलों में अनुचित लाभ उठाया है ;

और जबकि केन्द्रीय सरकार की यह सम्मति है कि जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 4, धारा 5 की उप-धारायें (2), (3), (4) और (5), धारा 6, धारा 9 तथा धारा (10) के उपबन्ध उपर्युक्त समिति के साथ लागू किये जाने चाहिये ;

अतः अब उपर्युक्त अधिनियम की धारा 11 के द्वारा प्रदत्त शक्तियों को लागू करते हुए केन्द्रीय सरकार एतद्वारा यह निदेश देती है कि उपर्युक्त समिति के साथ उक्त अधिनियम की धारा 4, धारा 5 की उप-धाराएँ (2), (3), (4) और (5), धारा 6, धारा 9 और धारा 10 के उपबन्ध लागू होंगे ।

[सं० 8 (38)]

आर० सी० सेठी, अवर सचिव ।

(Department of Industrial Development)



(Indian Standards Institution)

New Delhi, the 24th August 1967

**S.O. 3125**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each

THE SCHEDULE

Sl No.	Design of the Standard Mark	Product/Class of Product	No and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS 695 	Glacial acetic acid, pure	IS 695-1955 Specification for glacial acetic acid, pure, pharmaceutical and technical	The monogram of the Indian Standards Institution consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side and the grade designation being subscribed under the bottom side of the monogram as indicated in the design	1 Jul 1967
2	IS. 2003 	Malted milk food containing cocoa powder	IS 2003-1962 Specification for malted milk food containing cocoa powder	The monogram of the Indian Standards Institution consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 Aug 1967



**S.O. 3126.**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each:

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1	Glacial acetic acid, pure	IS: 695-1955 Specification for glacial acetic acid, pure, pharmaceutical and technical.	One tonne	Rs. 5.00 per unit for the first 200 units; Rs. 3.00 per unit for the next 500 units; Rs. 2.00 per unit for above 700 units;	1 Jul 1967 16 Aug. 1967
2	Malted milk food containing cocoa powder	IS: 2003-1962 Specification for malted milk food containing cocoa powder.	One kg.	4 Paise	

[No. MD/18 : 2]

*New Delhi, the 31st August 1967*

**S.O. 3127.**—The article covered in licence No. CM/L-1455 held by M/s. Bengal United Co. Pvt. Ltd., 36, Strand Road, Calcutta-1, the details of which are given in the Notification published under S.O. 2650 in the Gazette of India, Part II—Section 3(ii), dated 5 August 1967 has been revised as under with effect from 1st September, 1967 :

Sluice Valves for Water Works Purposes (With Non-Ferrous Spindles and Rings) Class I Up to 300 mm Sizes.

Brand : 'BUCO'.

[No. MD/CO/11-A.]

(Dr.) SADGOPAL,  
Deputy Director General.

## **MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION**

(Department of Co-operation)

*New Delhi, the 30th August 1967*

**S.O. 3128.**—In exercise of the powers conferred under Section 8(1) of the National Co-operative Development Corporation Act, 1962 (No. 26 of 1962), the Central Government, in consultation with the National Co-operative Development Corporation, hereby notify that Shri S. S. Puri, who has assumed charge of the post of Joint Secretary in the Department of Co-operation of this Ministry with effect from the afternoon of 5th August, 1967, will continue to perform the functions of Secretary to the Corporation, in addition to his duties, until further orders.

[No. 6-2/67-Plan.]

R. VENGU, Under Secy.

## **MINISTRY OF WORKS, HOUSING AND SUPPLY**

(Department of Supply)

*New Delhi, the 22nd August 1967*

**S.O. 3129.**—In exercise of the powers conferred by sub-rule (2) of Rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal), Rules, 1965, the President hereby directs that the following amendments shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply, Department of Supply and Technical Development, No. S.R.O. 3687, dated the 12th October, 1964, namely:

In the Schedule to the said notification—

(1) in Part I, General Central Service, Class III,

(a) for the heading "Ministry of Industry and Supply, Department of Supply and Technical Development", the heading "Ministry of Works, Housing and Supply, Department of Supply" shall be substituted;

(b) in columns 2 and 3, for the entry "Director of Administration" wherever it occurs, the entry "Deputy Director General (Administration)" and for the entry "Head of Office" the entry "Director of Supplies and Disposals or the Director of Supplies (Textiles) or the Director of Inspection, as the case may be," shall be substituted;

(c) under the sub-heading "National Test House, Calcutta/Bombay", for the entry in the column 5 against the entry "All Posts" in column 1, the entry "Secretary, Department of Supply" shall be substituted;

(d) the headings "India Supply Mission, London" and "India Supply Mission, Washington" and the entries relating thereto in columns 1 to 5 shall be omitted;

(e) at the end, the following sub-heading and entries shall respectively be inserted, in columns 1 to 5, namely:—

1	2	3	4	5
<i>"Pay and Accounts Organisation, Deptt. of Supply New Delhi/Calcutta/Bombay/Madras.</i>				
Subordinate Accounts service	Chief Pay & Accounts Officer	Chief Pay & Accounts Officer	All	Secretary, Department of Supply.
All other posts.	Pay & Accounts Officer	Pay and Accounts Officer	All	Chief Pay & Accounts Officer."

(2) In part II, General Central Service, Class IV.

- under the sub-heading "Directorate General of Supplies and Disposals", for the entry "Director of Administration" in column 5 the entry "Deputy Director General (Administration)" and for the entry "Head of Office" in columns 2 and 3, the entry "Director of Supplies and Disposals or Director of Supplies (Textiles) or Director of Inspection, as the case may be" shall be substituted;
- under the heading "National Test House, Calcutta/Bombay" for the entry "Head of Office" in columns 2 and 3, the entry "Director, National Test House, Calcutta" and for the entry "Director General of Supplies and Disposals" in column 5 the entry "Secretary, Department of Supply" shall be substituted.
- the sub-headings "India Supply Mission, London" and "India Supply Mission, Washington" and the entries relating thereto in column 1 to 5 shall be omitted.
- at the end, the following sub-heading and entries shall respectively be inserted in columns 1 to 5, namely:—

1	2	3	4	5
<i>"Pay and Accounts Organisation, Department of Supply, New Delhi/Calcutta/Bombay/Madras.</i>				
All posts	Pay & Accounts Officer	Pay and Accounts Officer	All	Chief Pay & Accounts Officer."

[No. F. 17(1)/87-V.]

S. S. PURI, Director (Vigilance).

**(Department of Works and Housing)**

*New Delhi, the 31st August 1967*

S.O. 3130.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, contained in Part VIII, Division XXVI of the Supplementary Rules issued with the Government of India, Finance Department letter No. 104-CSR, dated the 4th February, 1962, namely:—

- These rules may be called the Allotment of Government Residences (General Pool in Delhi) Third Amendment Rules, 1967.
- They shall be deemed to have come into force on the 1st June, 1967.

3. In Part VIII of the Supplementary Rules, in Division XXVI-B, after rule, S.R. 317-B-7, the following rule shall be inserted, namely:—

*“Maintenance of separate pool for lady officers.—S.R. 317-B-8(i)—Notwithstanding anything contained in these rules, a pool of residences for allotment to lady officers (hereinafter in this rule referred to as the said pool) other than those who are married and whose husbands are eligible for allotment of accommodation under these rules, shall be maintained.*

- (2) Lady officers shall be entitled to allotment of accommodation in the said pool in the type next below the type to which they are entitled under the provisions of S.R. 317-B-5.
- (3) The number and the type of residences to be placed in the said pool shall be determined by the Government from time to time.
- (4) The *inter se* seniority of the lady officers eligible for allotment of residences in the said pool shall be determined according to their priority dates.”

[No. F. 12035(14)/67-Pol.]

P. N. KHANNAH, Under Secy.

## MINISTRY OF TOURISM AND CIVIL AVIATION

### ORDER

New Delhi, the 28th August 1967

**S.O. 3131.**—In exercise of the powers conferred by rule 160 of the Aircraft Rules, 1937, the Central Government hereby exempts for a further period of one year with effect from 1st September, 1967, all holders of appropriate Aircraft Maintenance Engineers Licences granted or rendered valid by appropriate authorities of the United Kingdom and Australia from the operation of rule 61 in so far as it relates to rules 57, 58 and 60 of the said rules and directs that the holders of such licences may act as A.M.Es. in connection with the repair, overhaul, modification and maintenance of aircraft owned and operated by Air India.

[No. 10-A/47-67.]

M. R. SHARMA, Under Secy.

## DEPARTMENT OF COMMUNICATIONS

### (P. & T. Board)

New Delhi, the 26th August 1967

**S.O. 3132.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 16th September, 1967, as the date on which the Measured Rate System will be introduced in Durgapur Telephone Exchanges (Durgapur Steel and Durgapur Industries).

[No. 5-45/67-PHB.]

New Delhi, the 31st August 1967

**S.O. 3133.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st October, 1967 as the date on which the Measured Rate System will be introduced in CHAPRA Telephone Exchange.

[No. 5-42/67-PHB.]

D. R. BAHL, Asstt. Director Genl. (PHB).

## संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 26 अगस्त 1967

एस० ओ० 3134.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने 16-9-67 से टेलीफोन केन्द्र में दुर्गापुर (दुर्गापुर स्टील और दुर्गापुर इंडस्ट्रीज) से प्रस्तापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-45/67 पी० एच० बी०]

नई दिल्ली, 31 अगस्त 1967

एस० ओ० 3135.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने छपरा टेलीफोन केन्द्र में से प्रस्तापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 542/67-पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०)

## MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 31st August 1967

S.O. 3136.—In exercise of the powers conferred by sub-section (1) of Section 36 of the Indian Electricity Act 1910 (9 of 1910) the Central Government hereby makes the following amendment to the Notification of the Government of India (Ministry of Railways).

No. 67/Elec/112/1 dated 18th July 1967:—

“Delete the following names shown against item 2 of the Schedule:

Ahmadpur—Katwa,

Bankura—Damodar river,

Burdwan—Katwa.”

[No. 67/Elec/112/1.]

A. J. GURUSHANKAR, for Secy-

**MINISTRY OF HEALTH AND FAMILY PLANNING**

(Department of Health)

*New Delhi, the 30th August 1967*

**S.O. 3137.**—Whereas in pursuance of clause (e) of Sub-section (2) of Section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the State Government of Andhra Pradesh has re-nominated Shri M. Krishna Murthy, Government Analyst, Institute of Preventive Medicine, Hyderabad, as a member of the Central Committee for Food Standards representing that Government;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the said Act, the Central Government hereby directs that Shri M. Krishna Murthy, Government Analyst, Institute of Preventive Medicine, Hyderabad, shall continue to be a member of the Central Committee for Food Standards.

[No. F. 14-25/67-PH.]

M. C. JAIN, Under Secy.

**MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**

(Department of Labour and Employment)

*New Delhi, the 28th August 1967*

**S.O. 3138.**—In exercise of the powers conferred by Sub-section (2) of Section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the Notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2022 dated 17th August, 1961, the Central Government hereby appoints Shri S. J. Shah as the Regional Provident Fund Commissioner for the whole of the State of Gujarat to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri D. K. Badheka.

[No. 17(5)/67-PF-I.]

**S.O. 3139.**—In exercise of the powers conferred by Sub-section (1) of Section 13 of the Employees' Provident Funds Act, 1952, (19 of 1952) and in supersession of the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2021 dated the 17th August, 1961, the Central Government hereby appoints Shri S. J. Shah to be an Inspector for the whole of the State of Gujarat for the purposes of the said Act and of any scheme framed thereunder, in relation to establishments belonging to, or under the control of the Central Government, or in relation to establishments connected with a railway company, a major port, a mine or an oil-field, or a controlled Industry *vice* Shri D. K. Badheka.

[No. 17/5/67/PF-I.]

*New Delhi, the 29th August 1967*

**S.O. 3140.**—In pursuance of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby sets up a Regional Committee for the State of Rajasthan, consisting of the following persons, namely:—

*Chairman*

1. The Secretary to the Government of Rajasthan, Labour and Employment Department, Jaipur.

Appointed by the Central Government.

*Members*

2. The Labour Commissioner, Government of Rajasthan, Jaipur
3. Shri Satish Kumar, Deputy Secretary to the Government of Rajasthan, Finance Department (Expenditure), Jaipur.

Persons appointed by the Central Government on the recommendation of the State Government.

4. Shri M. L. Bhartia, Mill Secretary, Udaipur Cotton Mills, Udaipur.
5. Shri A. C. Dev, Messrs. Jaipur Metals and Electricals Limited, Near Railway Station Jaipur.
6. Shri Durga Prasad Nagauri, Messrs. Kishor Trading Company, Khetan Bhawan, M.I. Road, Jaipur.
7. Shri Damodar Maurya, General Secretary, Prantiya Vidhyut Mandal Mazdoor Federation, Near Chandpole Post Office, Chandpole Bazar, Jaipur.
8. Shri Hiren Mukerji, Rajasthan Trade Union Congress, Infront of Sindhi Camp, Station Road, Jaipur.
9. Shri Parmanand Tripathi, Hind Mazdoor Sabha, Bhilwara, Rajasthan.

Representatives of employers appointed by the Central Government in consultation with the Organisations of employers in the State.

Representatives of employees appointed by the Central Government in consultation with the Organisations of employees in the State.

[No. P.F.II. 10(3)/59.]

**S.O. 3141.**—Whereas M/s. Indmag Private Limited "Corinthian", No. 17 Arthur Bunder Road, Colaba, Bombay-5, (hereinafter referred to as the said establishment) has applied for exemption under clause (a) sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that,—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contribution in Central Government securities within thirty days of the close of the month to which the contributions relate.

#### THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an annual statement of account or Pass Book.
3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.

4. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishments is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the provident fund Scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds Act, 1952.

7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Commissioner within 3 months of the close of the year.

8. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. 11(16)/67-PF.II.]

**S.O. 3142.**—Whereas Messrs Bharatex Private Limited, Mafatlal House, Back-bay Reclamation, Bombay-1 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that, —

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

#### THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.

2. The employer shall furnish to each employee an annual statement of account or Pass Book.

3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.



4 The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account

6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the provident fund Scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds Act, 1952.

7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Provident Fund Commissioner within 2 months of the close of the year.

8. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No 11/17/67/PF-II.]

**S.O. 3143.**—Whereas Messrs Varma and Varma, Chartered Accountants, New Road, Cochin 2 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that, —

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption,
- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

#### THE SCHEDULE

1. **Constitution.**—The employer of an establishment exempted under section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), shall constitute a Board of Trustees hereinafter referred to as the Board) in the manner hereinafter provided.

2. **Number of Members.**—The Board shall consist of an equal number of representatives of the employers and the employees. The number of trustees on the Board shall be six.

3. *Employers' representatives.*—The employer shall nominate his representatives from amongst the officers employed in managerial or administrative capacity in the establishment.

4. *Election of employees' representatives.*—The representatives of the employees shall be elected by the members of the Fund in an election to be held for the purpose on any working day.

Provided that wherever there is a recognised Union under the Code of Discipline or under any State Act, such Union shall nominate the employees' representatives.

Provided further that wherever there is no recognized Union, the representative Union, if any, existing under any law regulating the recognition of workers' Union, shall nominate the employees' representatives.

Provided also that wherever there is neither a recognised Union nor a representative Union of workers, any Union existing in the establishment and qualified for recognition by the employer, shall nominate the employees' representatives. Where there is more than one such Union, the procedure laid down in the Industrial Disputes (Central) Rules, 1957, for the election of the workers' representatives on the Works Committee shall be followed with such modifications, if any, as may be considered necessary by the Regional/State Provident Fund Commissioner.

5. *Qualifications of candidates for election.*—(1) Any member of the Fund who is not less than 21 years of age may, if nominated as hereinafter provided be a candidate for election as an employees' representative. (2) An outgoing trustee shall be eligible for re-election or re-nomination as the case may be.

6. *Procedure for election.*—The employer shall fix a date for receiving the nominations from candidates for election as employees' representatives. He shall also fix a date for the withdrawal of nomination and the date of election which shall not be earlier than three days or later than ten days after the closing date for withdrawal of nominations.

The date so fixed shall be notified to the members at least seven days in advance. The notice shall be affixed on the Notice Board of the establishment. The notice shall also specify the number of seats to be filled by the employees' representatives. A copy of such notice shall also be sent to the recognized trade Union or the Unions concerned in the establishment and to the Regional Provident Fund Commissioner.

7. *Nomination of candidates for election.*—Every nomination shall be made in the Form annexed. Each nomination paper shall be signed by the candidate to whom it relates and attested by at least two members of the Fund, other than the proposer and shall be delivered to the employer before or on the closing date fixed for receiving the nominations.

8. *Scrutiny of Nomination papers.*—The employer shall scrutinize the nomination papers received under rule 7 on the date following the last date fixed for withdrawing the nomination papers. The candidate or his nominee, the proposer or the attesting members may be present, if they so desire. The invalid nomination papers shall be rejected.

9. *Voting in election.*—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall forthwith be declared duly elected.

(2) If the number of candidates is more than the number of seats, voting shall take place on the date fixed for election.

(3) The election shall be conducted by the employer in the presence of an officer deputed by the Regional Provident Fund Commissioner.

(4) Every member of the Fund shall have as many votes as there are seats to be filled on the Board:

Provided that each such member shall be entitled to cast only one vote in favour of any one candidate.

(5) The voting shall be by secret Ballot.

10. *Disqualification of a trustee.*—A person shall be disqualified for being a trustee of the Board:—

- (i) if he is declared to be of unsound mind by a competent court, or
- (ii) if he is an undischarged insolvent, or
- (iii) if he has been convicted of an offence involving moral turpitude.

11. *Chairman of the Board.*—The employer shall nominate one of the representatives on the Board to be the Chairman thereof. In the event of an equality of votes, the Chairman shall exercise a casting vote.

12. *Filling of casual vacancies.*—In the event of a trustee, elected or nominated, ceasing to be a trustee during the tenure of the Board, his successor shall be elected or nominated, as the case may be, in the manner, hereinbefore provided for election or nomination.

13. *Reference to Regional Provident Fund Commissioner.*—In case of any dispute or doubt, the matter shall be referred to the Regional Provident Fund Commissioner. His decision in the matter shall be final and binding.

14. *Provision for residuary matters.*—All matters not provided for in these rules shall be regulated by the approved Provident Fund Rules of the establishment.

15. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time prescribe.

16. The employer shall furnish to each employee an annual statement of account or Pass Book.

17. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges, etc., shall be borne by the employer.

18. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government, and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

19. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

20. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the provident fund Scheme of the establishment shall not become less favourable than the benefits provided under the Employees' Provident Funds Act, 1952.

21. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Provident Fund Commissioner within 3 months of the close of the year.

22. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

#### FORM OF NOMINATION PAPER

(See condition 7)

Name of the branch/department

.....

I hereby nominate Shri .....

(Name of the employees' candidate with his Provident Fund Account No.

as a candidate for election to the Board of Trustees.

Date .....

(Signature of the proposer)

with his Provident Fund Account No. ....

Address.....

.....

I hereby declare that I agree to this nomination

Date .....

.....  
(Signature of candidate)

Address... ..  
.....

Attested by (1) .....

(2) .....

(To be signed by two members  
of the Provident Fund.)

**Certificate of delivery:**

This nomination paper was delivered to me at my office on.....  
by the candidate/proposer.

Employer.

[No. 11/23/67/PF-II.1]

**S.O. 3144.**—Whereas Messrs Saviles Private Limited, 41, Chowringhee Road, Calcutta-16 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1962;

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Schedule and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that;

(a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;

(b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

**THE SCHEDULE**

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.

2. The employer shall furnish to each employee an annual statement of account or Pass Book

3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.

4. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the provident fund Scheme of the establishment shall not become less favourable than the benefits provided under the Employees' Provident Funds Act, 1952.

7. The establishment shall submit an audited balance sheet of its provident fund every year to the **Regional Provident Fund Commissioner** within 3 months of the close of the year.

8. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. 11/33/67/PF.II.]

**S.O. 3145.**—Whereas Messrs. Sahu Jain Services Limited, 11, Clive Row Calcutta-1 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in employment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that,—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

#### THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an annual statement of account or Pass Book.
3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges, etc. shall be borne by the employer.
4. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.
5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall

immediately enrol him as a member of the fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the provident fund Scheme of the establishment shall not become less favourable than the benefits provided under Employees' Provident Funds Act, 1952.
7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Provident Fund Commissioner within 3 months of the close of the year.
8. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. 11/34/67/PF-II.]

**S.O. 3146.**—Whereas Messrs. Kores (India) Limited, Plot No. 10 Off Haines Road, Worli, Bombay-18 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952).

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Schemes, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that,—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

#### SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an annual statement of account or Pass Book.
3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges, etc., shall be borne by the employer.
4. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

5. Where an employee who is already a member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations of his account.
6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the Employees' Provident Funds Act, 1952.
7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Commissioner within 3 months of the close of the year.
8. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. 11(38)67 PF-II.]

**GO 3147**—Whereas Messrs Rehabilitation Industries Corporation Limited, 25, Free School Street, Calcutta-16 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that,—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate

#### THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an annual statement of accounts or Pass Book.
3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.

4. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.
5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.
6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishment in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the provident fund Scheme of the establishment shall not become less favourable than the benefits provided under the Employees' Provident Funds Act, 1952.
7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Provident Fund Commissioner within 3 months of the close of the year.
8. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No 11/47/67/PF-II.]

**S.O. 3148.**—Whereas Messrs. Dodsai (Private) Limited, Mafatlal House, Back-bay Reclamation, Bombay-1, (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that,—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

#### THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an Annual Statement of Account or Pass Book.



3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.
4. The employer shall display on the Notice Board of the establishment a copy of the rules of the Fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.
5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the Provident Fund of another exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.
6. The employer shall enhance the rate of Provident Fund contribution appropriately if the rate of provident fund contributions for the class of establishment in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds Act, 1952.
7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Provident Fund Commissioner within 3 months of the close of the year.
8. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. 11(49)67-P.E.II.]

S O 3149—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories mentioned in Schedule 4 of the Schedule below in sparse areas in the State of Mysore and specified in column 3 of the said Schedule, hereby exempts the said factories from payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in the said areas:—

## THE SCHEDULE

S. No.	Name of District	Name of Area	Name of the Factory
(1)	(2)	(3)	(4)
I.	South Kanara	Kalyanpur	(1) Jayanthi Tile Factory. (2) Prabhat Industries Ltd.
		Malpe	The Commonwealth Tile Factory, Kodavan Village.
		Manipal	(1) The Manipal Tile Works, Shivalli Village. (2) The Manipal Power Press, Shivalli Village. (3) Mani Wood Industries. (4) The Manipal Workshop.
		Udipi	(1) Messrs. Prabhakara Press (P) Ltd., Prabhakara Street, P.B. No. 2. (2) The Majestic Press, Near Temple Square, Tenkaper. (3) The Modern Garage, R.M. Karnad Buildings, Santhekatte. (4) Sub-Station, Mysore State Electricity Board. (5) The Hanuman Transport Company (P) Ltd., P.B. No. 27, Chitpoole.

New Delhi, the 30th August 1967

S.O. 3150.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories mentioned in column 4 of the Schedule below in sparse areas in the State of Mysore and specified in column 3 of the said Schedule, hereby exempts the said factories from payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in the said areas:—

THE SCHEDULE

S. No. (1)	Name of District (2)	Name of Area (3)	Name of the Factory (4)
1.	Belgaum	Hickal Camp	The Pudur Works Department, Repairs and Maintenance Section.
2.	Coorg	Kudige	Kudige Milk Supply Scheme.
3	Dharwar	Haveri	The Textile Accessories Trading Company.
4.	Kolar	Bagepalli	R.C.C. Poles Manufacturing Centre, Mysore State Electricity Board.
	Do.	Malur	Karnataka Tiles and Bricks Factory, Near Railway Station.
	Do.	Gowribidanur	R.C.C. Poles Manufacturing Centre, Mysore State Electricity Board.
5.	Shimoga	Shimoga	Bharat Founders, Garden Area.
6.	South Kanara	Ganguli	Nagaikar Saw Mills, Ganguli, Coondapur Taluk.
7.	Tumkur	Tiptur	Laxmi Match Industries, Gandhinagar.
	Do.	Kunigal	The Kunigal Taluk Agricultural Produce Cooperative Marketing Society Limited.
	Do.	Tumkur	R.C.C. Poles Manufacturing Centre, Mysore State Electricity Board.

[No. F. 6(38)/67-HI.]

S.O. 3151.—Whereas the State Government of Mysore has in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri R. Anandakrishna, Secretary to the Government of Mysore, Food, Civil Supplies and Labour Department, Bangalore, to represent that State on the Employees' State Insurance Corporation in place of Shri N. S. Ramachandra;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551, dated the 9th August, 1966, namely:—

In the said Notification, under the heading "Members", under the sub-heading "[Nominated by the State Governments under clause (d) of section 4]", for the entry against item 16, the following entry shall be substituted, namely:—

"Shri R. Anandakrishna, Secretary to the Government of Mysore, Food, Civil Supplies and Labour Department, Bangalore."

[No. F. 3/18/66-HI.]

S.O. 3152.—Whereas the Central Government was satisfied that—

1. Seetharama Oil and Ginning Factory.
2. Juntur China Veeriah Chetty Factory.
3. Somichetty Subbiah Chetty and Co., Decoration and Oil Factory, and
4. E. Chinna Venkata Subbaiah Ramaiah Oil Company.

were situated in Proddutur area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Cuddapah in the State of Andhra Pradesh;

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment S.O. No. 2665, dated the 2nd November, 1961 and as subsequently amended;

And, whereas the Central Government is satisfied that the insurable population of the Proddutur area in the district of Cuddapah in the State of Andhra Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

- (1) in notification dated 2nd November, 1961, in Schedule III, in Serial No. 4 in the entries relating to Cuddapah, the entry relating to Proddutur and all entries thereagainst shall be omitted;
- (2) In the notification dated the 13th March, 1963, in Schedule III, in serial No. 4 in the entries relating to Cuddapah, the entry Proddutur and all entries thereagainst shall be omitted.

[No. F. 6/21/67-HI.]

**S.O. 3153.**—Whereas the Central Government was satisfied that—

1. Brahmappa Travanappanavar Oil Mills.
2. K. R. Krishniah and Srinivasiah Rice and Groundnut Oil Mills.
3. Rayalaseema Passenger and Goods Transport Ltd.

were situated in Hindupur area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Anantapur in the State of Andhra Pradesh.

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2665, dated the 2nd November, 1961 (Principal notification) and as subsequently amended.

And, whereas the Central Government is satisfied that the insurable population of the Hindupur area in the district of Anantapur in the State of Andhra Pradesh has not exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

In Schedule III to the said notification, in the entries relating to Serial No. 2, the entry "Hindupur" in column 4 and the entries relating thereto in column 5 shall be omitted.

[No. F. 6/21/67-HI.]

**S.O. 3154.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and having regard to the location of the factory, namely, the Laundry Plant at the Medical College and Hospital, Nagpur in an implemented area, the Central Government hereby exempts the said factory from the payment of the Employer's special contribution leviable under Chapter VA of the said Act for a further period upto and including the 4th August, 1968.

[No. F. 6(41)/66-HI.]

**S.O. 3155.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory specified in the schedule below, in a sparse area in the State of Kerala, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in that area.

## SCHEDULE

S. No.	Name of District	Name of Area	Name of the factory
1	Kozhikode	Nilambur	M/s Shree MURUGA Match Industries.

[No. F. 6(22)/67-HI.]

S.O. 3156.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the Central Jail Industrial Section, Central Jail, Madras, in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 12th August, 1967.

[No. F. 6(39)/66-HI.]

S.O. 3157.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories mentioned in the Schedule below in sparse areas in the State of Rajasthan, hereby exempts them from the payment of the Employer's Special Contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas:—

## SCHEDULE

S. No.	Name of District	Name of Area	Name of the Factory
1	Chittorgarh	Chanderia	M/s Birla Cement Works Village Chanderia
2	Jaipur	Dausa	M/s Golcha Theatres, c/o Jaipur Mineral Development Syndicate (P) Ltd., Near Railway Station, Dausa.
3	Sirohi	Sheoganj	M/s Mehta textiles
4	Udaipur	Nathdwara	M/s Jan Mangal Industries, Gandhi Road.

[No. F. 6(24)/67-HI.]

New Delhi, the 31st August 1967

S.O. 3158.—Whereas the Central Government was satisfied that (1) M/s. E. P. Venkatasubhaiah Chetty Pakiralah Chetty Groundnut Oil Mills and (2) M/s. Ravi Oil Mills were situated in Proddutur area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Cuddapah in the State of Andhra Pradesh

And whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the Notification of the Government of India in the late Ministry of Labour and Employment, No. 6(78)/63-HI, dated the 13th March, 1963.

And whereas the Central Government is satisfied that the insurable population of the Proddutur area in the district of Cuddapah in the State of Andhra Pradesh has now exceeded 500 and it is no longer a sparse area;

Now therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act 1948 (34 of 1948), the Central Government hereby make the following further amendment in the said Notification namely:—

In the Schedule to the said Notification in the entries relating to "Cuddapah" in Serial No. 4 the entry "Proddutur" in the third column and the entries relating thereto in the fourth column shall be omitted.

[No. F. 6 21/67 HI/II.]

**S.O. 3159.**—Whereas the Central Government was satisfied that M/s. Sri Srinivasa Trading Company Lessees of M/s. Perla Cotton Press and Oil Mills, Section No. 2 was situated in Proddutur area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Cuddapah in the State of Andhra Pradesh.

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the Notification of the Government of India in the Department of Labour and Employment and No. 6/61/64-HI, dated the 15th October, 1966

And, whereas the Central Government is satisfied that the insurable population of the Proddutur area in the district of Cuddapah in the State of Andhra Pradesh has now exceeded 500, and it is no longer a sparse area,

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said Notification namely:—

In the Schedule to the said Notification Serial No. 2 and the entries relating thereto shall be omitted:

[No. F. 6/21/67-HI/III]

**S.O. 3160.**—Whereas the Central Government was satisfied that (1) Ramchandra Rice Mill, (2) Kalisingh Saw Mills, Kothagudem, and (3) K. Radha Krishna Murthy Saw Mills, were situated in Kothagudem area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Khammameth in the State of Andhra Pradesh.

And whereas by virtue of their location in a sparse area the aforesaid factories were granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the Notification of the Government of India in the late Ministry of Labour and Employment, S.O. 2645 dated 2nd November, 1961.

And, whereas the Central Government is satisfied that the insurable population of the Kothagudem area in the district of Khammameth in the State of Andhra Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, (34 of 1948), the Central Government hereby makes the following further amendment in the said Notification namely:—

In Schedule III to the said Notification in the entries against Serial No. 9 the entry "Kothagudem" in column 4 the entries relating thereto in column 5 shall be omitted.

[No. F. 6/21/67-HI IV.]

**S.O. 3161.**—Whereas the Central Government was satisfied that M/s. Andhra Starch Manufacturing Co. was situated in Hindupur area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Anantapur in the State of Andhra Pradesh.

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the Notification of the Government of India in the late Ministry of Labour and Employment, No. S.O. 860, dated the 13th March, 1963.

And, whereas the Central Government is satisfied that the insurable population of the Hindupur area in the district of Anantapur in the State of Andhra Pradesh has now exceeded 500, and it is no longer a sparse area:

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby makes the following further amendment in the said Notification namely:—

In the Schedule to the said Notification in the entries relating to Serial No. 2, the entry "Hindupur" and the entry in the third column relating thereto in the fourth column shall be omitted.

[No. F. 6/21/67-HI, VI.]

**S.O. 3162.**—Whereas the Central Government was satisfied that M/s. Andhra Pradesh State Road Transport Corporation Depot was situated in Kothagudem area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Khammameth in the State of Andhra Pradesh.

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the Notification of the Government of India in the late Department of Social Security Notification No. 6/26/64-HI, dated the 7th August, 1964.

And, whereas the Central Government is satisfied that the insurable population of the Kothagudem area in the district of Khammameth in the State of Andhra Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby make the following further amendment in the said Notification, namely:—

In the schedule to the said Notification, Serial No. 6 and the entries relating thereto shall be omitted.

[No. F. 6/21/67-HI-VII.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 26th August 1967

**S.O. 3163.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Radhamadhabpur Colliery of Messrs Ghusick and Muslia Collieries Limited, Post Office Kalipahari District Burdwan and their workmen which was received by the Central Government on the 23rd August, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 135 OF 1966

**PARTIES:**

Employers in relation to the Radhamadhabpur Colliery.

AND

Their workmen.

**PRESENT:**

Shri S. K. Sen, Presiding Officer

**APPEARANCES:**

On behalf of Employers—Shri M. P. Roy, Group Personnel Officer.

On behalf of Workmen—Absent.

**STATE:** West Bengal.

**INDUSTRY:** Coal Mines

**AWARD**

By Order No. 8/118/66-LRII dated 24th November 1966 the Central Government referred for adjudication an industrial dispute between the employers in relation to Radhamadhabpur colliery of Messrs Ghusick and Muslia Collieries Limited, P.O. Kalipahari, Dist. Burdwan and their workmen represented by the Colliery Mazdoor Sabha, G T. Road, Asansol, arising from the dismissal of Shri Ainul Khan, a workman of Radhamadhabpur Colliery. The union did not appear and file any written statement even after the issue of a warning letter on 25th May 1967 that unless it filed its written statement within 10 days from the date of receipt of the notice, the case would be taken up *ex-parte* although that notice was received personally by the Org. Secretary of the Union. Thereafter a notice fixing the date for hearing was also issued and received personally by the Organising Secretary but still on the date of hearing, 19th August 1967, the union did not appear.

2. The case of the management is as follows: Ainul Khan was a workman enrolled in the badli list in 1960 or 61. From the badli list men were being appointed

to permanent jobs in order of seniority as vacancies arose. Ainul Khan's turn-had not yet come when the incident which is the subject matter of the chargesheet took place. That was on 24th December 1965. On that day in the morning about the time of commencement of the morning shift, the then manager Shri A. N. Mahury and the Assistant Manager, Sri P. S. Sharma, were at the pit top. Ainul Khan came up then and demanded a permanent job from the manager. The manager said that it was not possible off hand to give him a permanent job and that he should see the manager at the office and the manager would ascertain the position. But Ainul Khan demanded a permanent job then and there and became abusive when the manager said that that was not possible. He also caught hold of the manager by his left wrist. The manager jerked himself free and the Assistant Manager intervened telling Ainul Khan that that was not the way to behave with the manager. Ainul Khan then tried to slap the Asstt. Manager who stepped back and avoided the blow. The manager and the Asstt. manager then left the pit top. A chargesheet was thereupon drawn up against Ainul Khan on the same day, 24th December, 1965, for abusing and assaulting the manager and trying to assault the Assistant Manager. The workman submitted a reply wherein he partly admitted the charge, saying that the manager was keeping him out of permanent job in a *malafide* way and that he merely asked the manager not to keep him out of permanent job in that way when others in the badli list were given permanent job; and that the manager became infuriated at this and falsely chargesheeted him. An enquiry was held on 8th January 1966 by the then Labour Officer, Sri M. P. Roy, and the enquiry was attended by the workman in question. The enquiring officer submitted his report on 17th January 1966. The proceedings with the report were submitted to the agent as the manager was himself the injured party, and the agent passed the order of dismissal on Ainul Khan on 14th March 1966. The Assistant Manager Shri P. S. Sharma, has deposed before the tribunal and has produced the whole file beginning with the chargesheet and ending with the dismissal order passed by the agent. It appears from a perusal of the papers of the enquiry that the enquiry was fairly conducted. There is no reason therefore to interfere with the order passed by the management.

3. My award therefore is that the dismissal of Shri Ainul Khan, a badli worker of Radhamadhabpur colliery, was justified and the workman is not entitled to any relief.

Dated 19th August 1967.

Sd./- S. K. Sen,

Presiding Officer.

[No. 8/118/66-LR. II.]

New Delhi, the 30th August 1967

S.O. 3164 --In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the New Sinidih Colliery of Messrs Bamandiah Coal Company Limited, Post Office Katrasgarh (Dhanbad) and their Managing Agents, Messrs H. V. Low and Co. (P) Ltd., Post Box No. 30, Calcutta, and their workmen, which was received by the Central Government on the 26th August, 1967.

#### BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 23 OF 1967

#### PARTIES:

Employers in relation to the New Sinidih Colliery of Messrs Bamandiah Coal Company Limited, Post Office Katrasgarh, (Dhanbad) and their Managing Agents, Messrs H. V. Low and Co. (P) Ltd., Post Box No. 30, Calcutta.

AND

Their Workmen.

#### PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer

#### APPEARANCES:

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh

STATE: Bihar.

INDUSTRY: Coal.

*Dhanbad, dated the 21st August, 1967*

## AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the New Sinidih Colliery of Messrs Bamandiah Coal Company Limited, Post Office, Katrasgarh, (Dhanbad) and their Managing Agents, Messrs H. V. Low and Company (P) Ltd., Post Box No. 30, Calcutta, of the one part and their workmen of the other part, by its order No. 2/12/65-LR.II, dated 27th February, 1965 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

## "SCHEDULE

Whether the action of the management of the New Sinidih Colliery, Messrs Bamandiah Coal Company Limited and their Managing Agents, Messrs H. V. Low and Co. (P) Ltd., in terminating the services of Shri Juthan Missir, Depot Chaprasi (Loading), with effect from the 13th November, 1964 was justified? If not, to what relief is the workmen entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 31 of 1965 on its file. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII, dated 3th May, 1967 under Sec. 33(B) (1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 23 of 1967. Parties have filed statement of demands. The workmen have filed rejoinder also.

3. The case of the workmen in brief is that Shri Juthan Missir (hereinafter referred to as the affected workman) was working as a Depot chaprasi in the colliery of the employers from 1946 having blameless record throughout his service, that on 12th November, 1964 he was asked to tender his resignation by the colliery Manager and Special Officer and that as he could not comply with their direction he was stopped from working from 13th November, 1964 without any notice and without assigning any reason. The stand taken by the employers is that the affected workman absented himself from 13th November, 1964 without permission or authorisation and that he did not resume duty in spite of their letter dated 23rd November, 1964. The workmen were represented by Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh and the employers by Shri S. S. Mukherjee, Advocate. On behalf of the workmen the affected workman is examined as WW1 and by consent of the employers Exts W1 to W10 are marked. On behalf of the employers a witness, EW1 is examined and by consent of the workmen Exts. E1 to E4 are marked.

4. It is not in dispute that the services of the affected workman have been terminated by the employers with effect from 13th November, 1964. While the workmen plead that the termination was without notice and without assigning any reason and, as such, the affected workman is entitled to be reinstated in his former post with full back wages and continuity of service and all other benefits as if he had not been dismissed at all, the contention of the employers is that they affected workman stopped working on his own accord from 13th November, 1964 and did not resume duty in spite of their letter dated 23rd November, 1964, Ext. W1 and, as such, his services stand terminated with effect from 13th November, 1964 as stated in the letter. Now it is to be seen which of the two cases are correct. The affected workman, WW1 has deposed that the Special Officer, EW 1 told him that he became old and unfit for work and, as such, he must submit his resignation and leave the colliery and that he did not submit his resignation. He was not given any work with effect from 13th November, 1964. Ext. W6 is an office copy of a letter addressed to the Manager of the employers colliery on 13th November, 1964 with a copy to the Special Officer for information and necessary action. The letter, office copy Ext. W6 corroborates the oral testimony of the affected workman, WW1, that the Manager had forcibly stopped him from working from 12th November, 1964 and that he was compelling him to submit his resignation without assigning any reason. There is the certificate of posting dated 13th November, 1964 showing two letters were posted on that day, one to the Manager of the employers colliery and the other to the Special Officer of the colliery. Ext. W7 is also an office copy of a letter from the affected workman to the Labour Inspector (C), Baghmara, dated 14th November, 1964. In this letter also it is complained that the Manager and Special Officer of the colliery of the



employers were forcing him to submit his resignation and that they were refusing to give him any work since 12th November, 1964. A copy of the letter was also marked to the Regional Labour Commissioner (C), Dhanbad for information and necessary action. The postal receipt of having received the two registered letters is produced. The acknowledgment from the Labour Inspector (C), Baghmara having received the letter is also on the file. Then comes the letter of the employers, Ext. E1 dated 23rd November, 1964, addressed to the affected workman that he had absented himself from duty from 13th November, 1964 without any information, that it was gross negligence on his part and that he should report to the Manager within a week and in fault his services would be treated as terminated from the date of his absence. The contention of the workmen is that having received the letters addressed to him by the affected workman since 13th November, 1964 and having come to know the complaints made by him to the concerned officers, the Manager tried to justify his action by the letter throwing the entire blame on the affected workman showing that he absented from duty from 13th November, 1964 without authorisation or permission. The case of the workmen is that within the time shown in the letter, Ext. E1 the affected workman approached the Manager of the colliery but the Manager and the Special Officer turned him out without allowing him to resume duty, that he approached the Labour Inspector (C), Baghmara with a oral complaint, that on 10th December, 1964 the Labour Inspector (C), Baghmara prevailed upon the Manager and the Special Officer to receive the affected workman in service with all back wages, that he advised the affected workman also to resume duty, that the affected workman was willing to do accordingly and that as soon as the Labour Inspector (Central), Baghmara left the office of the Manager, the Manager and the Special Officer refused to allow the affected workman to resume duty and turned him out. This case of the workman finds corroborated in the letter, office copy Ext. W10, dated 11th December, 1964 addressed by the affected workman to the Labour Inspector (C), Baghmara with a copy to the Manager of the employers colliery. The certificate of posting of the same date evidences that the two letters were posted. On 18th December, 1964 the affected workman sent a reminder, office copy Ext. W9 to the Labour Inspector (C), Baghmara for necessary action in respect of the complaint made by him in his letter of 11th December, 1964, office copy Ext. W10. The certificate of posting shown that the letter was posted. Having received no relief Shri R. N. Sharma, M.L.A., and General Secretary, Colliery Mazdoor Sangh, Dhanbad sent a letter to the Conciliation Officer (C), Dhanbad on 21st December, 1964 narrating all the facts of the case and requesting him to do the needful. While the matter was pending before the Conciliation Officer (Central) the Labour Inspector (C), Baghmara sent a letter, Ext. E2 to the affected workman stating that on 10th December, 1964 the management agreed to receive the affected workman in service but the affected workman himself refused to join duty stating that he would join duty from 11th December, 1964 after consulting his pleader. The contention of the workmen is that this belated letter of the Labour Inspector (C), Baghmara pending enquiry before the Conciliation Officer (C) was the outcome of the pressure put on him by the employers. This is the relevant documentary evidence brought on record. The employers have examined their Special Officer as EW1. It is not comprehensible what the duties of the Special Officer were and for what purpose he was appointed. On his own showing he did not study at any time mining. As a Special Officer he was discharging functions relating to lands, etc., of the employers colliery. He had no concern with appointment, dismissals etc., of the employees of the colliery. He was not residing within the colliery. He was going to the colliery according to his necessity every day some time or other. He denied that on 12th November, 1964 he and the Manager asked the affected workman to submit his resignation or they stopped him from working. According to him the affected workman stopped working on his own accord with effect from 13th November, 1964. He also says that the affected workman did not join duty within a week as required through the letter Ext. E1. He denies that he and the Manager sent him away without allowing him to resume duty. He also says that on 10th December, 1964 the Labour Inspector (C) directed the affected workman to join duty but the workman refused to do so saying that he would join duty on 11th December, 1964 after consulting his pleader and that he did not come for duty at any time later. Firstly the witness appears to be a chance witness, in as much as he has nothing to do with the employees of the colliery. Secondly, the affected workman has examined himself as WW1 contradicting his testimony. Thus, there is oath against oath and as such, oral evidence is not of much consequence.

5. As pointed out by me above, it is not in dispute that the affected workman did not attend to his work with effect from 13th November, 1964 and that ever since he has been addressing letters to the Manager of the colliery and the

Labour Inspector (C), Baghmara, as is manifest from the letters Exts. W6, W7, W10 and W9. In view of the postal acknowledgments there is no room to doubt that the letters are received by the Manager of the colliery and the Labour Inspector (C), Baghmara. Inspite of the letters commencing from 13th November, 1964 there is no explanation on behalf of the management or the Labour Inspector (C), Baghmara why they should keep quiet and sent letters, Exts. E1 and E2 only on 23rd November, 1964 and 12th January, 1965. It is significant to note that the letter Ext. E2 dated 12th January, 1965 is after the workmen took up the cause of the affected workman and the Conciliation Officer (Central) started enquiry in that regard. The case of the employers is that with effect from 13th November, 1964 the affected workman left the service of his own accord. If it is so no suggestion is made on behalf of the employers why he should start complaining from the very date and asking to be received in service. This correspondence probablises the case of the workmen as true that the affected workman was forced to discontinue his service from 13th November, 1964 without any reason. This apart, through Ext. E1 the Manager of the colliery affected workman absented himself from duty with effect from 13th November, 1964, that it was gross negligence of duty on his part and that he should report to the Manager within a week and in fault his services would be treated as terminated from 13th November, 1964. Even if it is treated as a chargesheet, the reply to it can be found in the letter of the affected workman dated 28th November, 1964, Ext. W2. Admittedly, there was absolutely no departmental enquiry regarding the truth or otherwise of the contention raised by the affected workman. No opportunity was given to the concerned workman to prove his case. As pointed out in Lipton Ltd., *versus* their workmen 1956 (I) L.L.J. 319, even in a case where under the standing order it is permissible to terminate the services with one month's notice or payment in lieu thereof without assigning any reason, it is not open to an employer to exercise the power in an arbitrary or capricious manner and the *bona fides* as well as the justifiability of his act could be gone into. The Special Officer EW1 joined the employers colliery in April, 1964. He pointed out that Shri Sapra, the then Manager left the colliery towards the end of 1964. When the witness joined the colliery the raising was about 20 to 30 tons and gradually it came to nil. When he joined the colliery the total strength of the employees, inclusive of the workman was approximately 50 or 60 but at present it is 15 or 16, inclusive of chaprasis. In view of these facts it appears to me that from April, 1964 the employers were reducing the number of their employees and during the course they tried to get rid of the affected workman without paying any compensation to him. For these reasons I have no hesitation to hold that the action of the management of the New Sinidih Colliery, M/s. Bamandiha Coal Co. Ltd., and their Managing Agents, M/s. H. V. Low & Co., (P) Ltd., in terminating the services of the affected workman Shri Juthan Missir, Depot Chaprasi (Loading), with effect from 13th November, 1964 was not justified, and, as such, he is entitled to his full back wages and continuity of service and all other benefits as if he has not been dismissed at all, till he is reinstated to his former post by the employers. The award is made accordingly and submitted under section 15 of the Industrial Disputes Act, 1947. No order is passed as to costs.

(Sd.) N. VENKATA RAO,  
Presiding Officer.

Central Government Additional Industrial Tribunal, Dhanbad.

#### APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL,  
DHANBAD

REFERENCE No. 23 OF 1967

#### PARTIES:

Employers in relation to the New Sinidih Colliery of Messrs Bamandiha Coal Company Limited, Post Office, Katrasgarh, (Dhanbad) and their Managing Agents, Messrs H. V. Low & Co., (P) Ltd., Post Box No. 30, Calcutta.

AND

Their Workmen

*List of document admitted in evidence for the employers*

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Ext. M1	Office copy of letter by Manager to Shri Juthan Missir dt. 23-11-64.	21-6-67	Admitted	—
Ext. M2	Letter by L. I. (C) Baghmara to Shri Juthan Missir dt. 12-1-65.	21-6-67	—do—	—
Ext. M3	Office copy of letter by Manager to the Conciliation Officer (C), Dhanbad dt. 25-1-65.	19-7-67	—do—	—
Ext. M4	Office copy of letter by Manager to L.I. (C) Baghmara dt. 27-1-65.	19-7-67	—do—	—

*List of documents admitted in evidence for the workmen*

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Ext. W1	Letter to Manager dt. 23-11-64	21-6-67	Admitted	—
Ext. W2	Letter to Manager dt. 28-11-64	—do—	—do—	—
Ext. W3	Letter to L.I. (C) dt. 24-11-64	19-7-67	—do—	—
Ext. W4	Letter to Manager dt. 13-11-64	—do—	—do—	—
Ext. W5	Letter to L.I. (C) dt. 24-11-64	—do—	—do—	—
Ext. W6	Letter to Manager dt. 13-11-64	—do—	—do—	—
Ext. W7	Letter to L.I. (C) dt. 14-11-64	—do—	—do—	—
Ext. W8	Letter to L. I. (C) dt. 14-11-64	—do—	—do—	—
Ext. W9	Letter to L.I. (C) dt. 18-12-64	—do—	—do—	—
Ext. W10	Letter to L.I. (C) dt. 11-12-64	—do—	—do—	—

(Sd.) VENKATA RAO,  
Presiding Officer,  
Central Govt.  
Additional Industrial Tribunal,  
Dhanbad.

## APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL  
AT DHANBAD

REFERENCE No. 23 OF 1967

## PARTIES:

Employers in relation to the New Sinidih Colliery of Messrs Ramandih Coal Company Limited, Post Office, Katrasgarh (Dhanbad) and their Managing Agents Messrs. H. V. Low & Co., (P) Ltd., Post Box No. 30, Calcutta.

AND

Their Workmen

*List of Witness Examined on Behalf of the Employers*

No. of witness	Name of witness	Date of examination
EW 1	Sridhar Tiwari	19-7-67

*List of Witness Examined on Behalf of the Workmen*

No. of witness	Name of witness	Date of examination
WW 1	Juthan Missir	19-7-67

(Sd.) N. VENKATA RAO,  
Presiding Officer,  
Central Govt.  
Additional Industrial  
Tribunal at Dhanbad.

[No. 2/12/65-LR.II.]

New Delhi, the 31st August 1967

**S.O. 3165.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Balihari Colliery of Messrs Balihari Colliery Company Private Limited, Post Office, Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 26th August, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL,  
DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 16 OF 1967

## PARTIES:

Employees in relation to the Balihari Colliery of Messrs Balihari Colliery Company Private Ltd., Post Office, Kusunda, Dist. Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

**APPEARANCES:***For the Employers.*—Shri S. R. Singh, Labour Officer.*For the Workmen.*—Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha.**STATE:** Bihar.**INDUSTRY:** Coal.*Dhanbad, dated the 18th August 1967.***AWARD**

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ballihari Colliery of Messrs Ballihari Colliery Company Private Ltd., P.O. Kusunda, District Dhanbad and their workmen, by its Order No. 2/143/64-LRII, dated 23rd January, 1965 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:

**"SCHEDULE**

Whether the suspension of Shri Naru Mahato, miner, Ballihari Colliery of Messrs Ballihari Colliery Company Private Limited, from the 21st August, 1964, to the 29th September, 1964 and from the 3rd October, 1964 to the 12th October, 1964 was a case of victimisation? If so, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as Reference No. 19 of 1965 on its file. Workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its Order No. 8/25/67-LRII, dated 8th May, 1967 under section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as Reference No. 16 of 1967. The Employers also filed their statement of demands.

3. The case of the workmen in brief is this: Shri Naru Mahato (hereinafter referred to as the concerned workman) was a miner working in the colliery of the employers since a long time without any complaint whatsoever. He became the most active member of the Bihar Koyla Mazdoor Sabha and, as such, the employers started to victimise him. The employers gave a chargesheet No. 8/461 dated 20th August, 1964 to the concerned workman and suspending him at the same time pending enquiry. The allegation continued in the chargesheet was that on the morning of 20th August, 1964 the concerned workman indulged in riotous behaviour and disturbed company's work. The concerned workmen denied the allegation. On 14th September, 1964 the employers issued the second chargesheet No. 10/549 to the concerned workman alleging that on 12th September, 1964 the concerned workman along with others entered the office of the Manager and indulged in riotous behaviour. The concerned workman replied to the chargesheet denying the allegation. The employers issued the third chargesheet to the concerned workman, No. 10/578 on 18th September, 1964 alleging that the concerned workman continued to be absent without permission or satisfactory cause for more than 10 days. To this chargesheet also the concerned workman submitted the reply denying the allegation and stating that his suspension under the first chargesheet from 21st August, 1964 still continued as no order from the employers was received by him to resume duty. On 29th September, 1964 the concerned workman received a letter permitting him to resume duty. The letter was issued to him anti dating it 2nd September, 1964. In accordance with the letter the concerned workman resumed duty on 30th September, 1964, but only to be suspended again for 10 days from 3rd October, 1964 to 12th October, 1964, as the result of enquiry in respect of the second chargesheet, No. 10/549. Thus, the suspension for 34 days of the concerned workman was illegal and unjustified and was actuated by the motive of victimisation. The employers took the stand that the suspension of the concerned workman was in accordance with the provisions of the certified standing orders and, as such, it was lawful, that it was bonafide and not to victimise him, that the letter dated 2nd September, 1964 permitting the concerned workman to resume duty was refused by the concerned workman, that it was sent again and accepted by the concerned workman on 29th September, 1964, that the domestic enquiries held by the employers could not be reopened and that the concerned workman was not entitled to any relief.

4. The workmen were represented by Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha and the employers by Shri S. R. Singh, Labour Officer. On behalf of the workmen no witness is examined but by consent of the employers

Ext. W1 to W5 are marked. On behalf of the employers MW1 to MW3 are examined and Exts. M1 to M9 by consent of the workmen are marked and Exts. M10 to M13 are proved by the witnesses.

5. Undisputedly, the workman was idle from 21st August, 1964 to 29th September, 1964 and again from 3rd October, 1964 to 12th October, 1964. According to the workmen the concerned workman was suspended with effect from 21st August, 1964 by virtue of the first chargesheet No. 8/461, Ext. M1, dated 20th August, 1964 stating "suspended pending your reply and my orders" and the suspension order was vacated by the letter Ext. M3 anti-dated 2nd September, 1964 and received by the concerned workman on 29th September, 1964 and, as such, he had no opportunity to resume duty at any time before 30th September, 1964 and that his suspension from 3rd October, 1964 to 12th October, 1964 as the result of enquiry in respect of the second chargesheet No. 10/549 Ext. M4 is illegal and unwarranted as he was not found guilty at all under the charge. The case of the employers is that the concerned workman had refused the letter Ext. M3 which was not anti-dated but was actually issued on 2nd September, 1964 and was refused by the concerned workman, that consequently, it was issued again as was received by the concerned workman on 29th September, 1964 and that, as such, the concerned workman himself was responsible for being idle from 21st September, 1964 to 29th September, 1964. Regarding the second spell of suspension from 3rd October, 1964 to 12th October, 1964 the stand taken by the employers is that it was imposed correctly as the result of the concerned workman having been found guilty under the second chargesheet No. 10/549, Ext. M4, Ext. M10 is an extract of the Peon Book showing that a letter, dated 2nd September, 1964 was issued to the concerned workman on 2nd September, 1964 and that it was handed over to a Peon by name Shri Harihar. The endorsement with the signature of Shri Harihar under date 2nd September, 1964 read "Chithi lenesey inkar kiya". It also appears that the same letter was issued again and it was received by the concerned workman on 29th September, 1964 with the endorsement "Mila eight bajey subha". The workmen have admitted the signature of the concerned workman with the date 29th September, 1964 and the endorsement "Mila eight bajey subha". It is the admitted case of the workman that the concerned workman received the letter, Ext. M3 on 29th September, 1964 and resumed duty on 30th September, 1964. But the workman flatly refused that the letter Ext. M3 was either dated 2nd September 1964 or was handed over to the Peon Harihar on 2nd September, 1964 for service or it was refused by the concerned workman on 2nd September 1964. Hence, the bonus was lying heavily on the employers to substantiate their case. The Peon Harihar who is said to have taken the letter to the concerned workman and in whose presence the concerned workman is alleged to have refused to receive it, is not examined Shri Amrendra Kumar Majumdar is examined on behalf of the employers as MW1. He is the head clerk of the colliery since 1946. Except being acquainted with the writing and signature of the Peon Harihar the witness does not know anything which is relevant to the point under consideration. He concedes that the letter Ext. M3 was given to the delivery peon by the clerk of the Welfare Officer and not by him. The letter also was returned to the clerk and not to him. On his own showing he was not present when the letter was handed over to the delivery peon by the clerk of the Welfare Officer nor was he present when the peon delivered back the letter to the clerk with the endorsement mentioned in Ext. M10. He also does not know when this letter was again given to the delivery peon for delivery to the concerned workman. He does not even know if it was given to the peon by the clerk of the Welfare Officer. The clerk of the Welfare Officer also is not examined. Apart from this, the probabilities also are not in favour of the inference that the concerned workman refused to receive the letter Ext. M3 on 2nd Sept. 1964 as shown in the Peon Book. When the concerned workman was under suspension from 21st August 1964 he must have been eager to resume duty at the earliest. Under the circumstances it is not comprehensible why the letter Ext. M3 should be refused to be received by him on 2nd September, 1964 and he should choose to remain idle till it was delivered to him again on 29th September, 1964. If he was determined not to receive the letter at all there is no reason why he should receive it on 29th September 1964. In the statement filed by them the employers have suggested that the concerned workman refused to receive the letter under the impression that the letter contained his dismissal order. But there is no basis for the suggestion. The first chargesheet Ext. M1 does not contain anything to show that any order of punishment was passed. Shri A. D. Shukla, Welfare Officer conducted the enquiry in respect of the chargesheet, Ext. M1. The report of his enquiry is Ext. M11(n). Ext. M11(n) recommended only "strong disciplinary action" against the concerned workman. But from the witness box the Enquiry Officer, MW3 says that as the result of his enquiry report Ext. M11(n) the concerned workman was suspended for 10 days. It is quite contrary to the contents

of the chargesheet Ext. M1. The Enquiry Officer, MW3 says that the Manager had passed the suspension order of 10 days against the concerned workman in the first chargesheet, Ext. M1. But no such order is produced. It is not the case of the employers, as set up in their statement, that the concerned workman was either found guilty under the first chargesheet, Ext. M1 or was inflicted any punishment. The second chargesheet is Ext. M4 and it is dated 14th September, 1964. It is of considerable importance on the point under consideration, in as much as it was made after the alleged issue of the letter Ext. M3 on 29th September, 1964 allowing the concerned workman to resume work. If the case of the employers that on 2nd September, 1964 the concerned workman had refused the letter Ext. M3, is true, they were aware that the concerned workman was absenting himself unauthorisedly with effect from 2nd September, 1964 when they made the chargesheet, Ext. M4 on 14th September, 1964. Particularly in view of the third chargesheet Ext. M7 issued only 4 days later alleging specifically that the concerned workman was absenting himself without permission or satisfactory cause from 2nd September, 1964. But in the second chargesheet Ext. M4, dated 14th September 1964 there is not even a whisper about the unauthorised absence of the concerned workman from 2nd September, 1964. This chargesheet was received by the concerned workman on 18th September, 1964. When the concerned workman did not refuse to receive this chargesheet, it is difficult to understand why he should refuse to receive the letter Ext. M3 which was for his own benefit. Further, the reply to the chargesheet by the concerned workman is significant to note. It says, "the charge alleged in this chargesheet is totally false and concocted. Being under suspension by your order, I had not been to your office on any date since 2nd September, 1964 when I went to the colliery office to ask for permission to resume work as the suspension period of 10 days (pending enquiry and your order vide Chargesheet dated 21st August, 1964) was over. No permission to join work was given. Thereafter I never visited your office." This reply was given by the concerned workman on 25th September, 1964. There is no material to show that the employers challenged this statement of the concerned workman. In the reply of the third chargesheet dated 18th September, 1964 with the specific allegation that the concerned workman was absenting himself without permission and without satisfactory cause from 2nd September, 1964, also the concerned workman repeated that no order to resume duty had been given to him so far (25th September, 1964). When the letter Ext. M3 was refused by the concerned workman on 2nd September, 1964 there is no explanation why it was not sent again immediately without waiting till 29th September, 1964, till after the concerned workman stating his case on 25th September, 1964. The head clerk, MW1 speaks about the practice that when a letter sent by Peon Book is returned undelivered the office sent it again by a registered post. There is no explanation why the letter, Ext. M3 was not sent to the concerned workman by a registered post if it was really refused by him on 2nd September, 1964. There is no room for argument that the letter, Ext. M3 could not be sent by registered post as the whereabouts of the concerned workman were not known, in as much as the second chargesheet Ext. M4 itself shows the presence of the concerned workman at the office of the Manager on 12th September, 1964 and both the chargesheets, Ext. M4 and M7 were received by the concerned workman on 18th September, 1964. It is significant to note that the third chargesheet made the specific allegation against the concerned workman that he had absented himself without permission and without satisfactory cause for more than 10 days on and from 2nd September, 1964 and had thus violated the standing orders and, according to the employers the charge was proved. But the sentence is merely "severely warned." I do not suppose that when the charge was proved and when the concerned workman had deliberately denied receipt by him of the letter Ext. M3, the employers would have been satisfied by merely administering a warning to him. Ext. M3 is a common letter addressed to the concerned workman and also to S/Shri Narsing Singh and Pevari Chamar. No attempt is made to prove that the letter was received by either of the two on 2nd September, 1964 or at any time earlier than 29th September, 1964. For all these reasons I am not inclined to believe the case set up by the employers. I find that the concerned workman was under suspension from 21st August, 1964 to 29th September, 1964 and, as there was no punishment inflicted on him prior to 29th September, 1964, his suspension from 21st August, 1964 to 29th September, 1964 was unwarranted and illegal.

6. Regarding the second spell of suspension, namely, from 3rd October, 1964 to 17th October, 1964 the employers merely state that it was given by way of punishment inflicted after proper enquiry in conformity with the provisions of the certified standing orders and that it cannot be reopened. As I have already pointed out, the three chargesheets given to the concerned workman were (1) No. 8/461 dated 20th August, 1964, Ext. M1, (2) No. 10/549, dated 14th September, 1964, Ext. M4 and (3) No. 10/578, dated 18th September, 1964, Ext. M7. Admittedly,

no punishment, was inflicted under the first chargesheet, Ext. M1. Under the third chargesheet, Ext. M7 the punishment was merely "severely warned". It was only under the second chargesheet, Ext. M4 that the punishment inflicted was suspension for 10 days. Thus, the domestic enquiry regarding the second chargesheet, Ext. M4 only is of importance. As per the notice, Ext. M5 the enquiry regarding the second chargesheet was to be conducted by Shri B. N. Dubey. Shri B. N. Dubey is examined as MW2. He has identified only his enquiry report M12(g), which is exclusively in respect of the third chargesheet, Ext. M7. He does not speak a word about the enquiry report regarding the second chargesheet Ext. M4 or about its result. But I find on the file the report Ext. M12(d) in respect of the second chargesheet, Ext. M4. The report only says, "It is clear that he (concerned workman) had been to the Manager's office on 12th September, 1964". The allegation in the second chargesheet, Ext. M4 was, "on 12th September, 1964 at about 8-30 A.M. you in combination with others entered by office and indulged yourself in riotous behaviour". The report, Ext. M12(d) does not in any manner indicate whether the charge leveled against the concerned workman was proved or not. The finding that he had been to the Manager's office does in no way suggests that he was guilty of riotous behaviour. The Enquiry Officer has not even proposed the punishment. The Manager has endorsed on the chargesheet, Ext. M4 that the concerned workman was found guilty during the enquiry. It is not known where from the Manager could infer the guilt of the concerned workman. He was not the Enquiry Officer. For these reasons I find the enquiry most unsatisfactory and, as such, the punishment inflicted on the concerned workman cannot be justified. Consequently, I find that the second spell of suspension of the concerned workman from 3rd October, 1964 to 12th October, 1964 also could not be justified.

7. In the statement of demands filed on behalf of the workman it is alleged that the action taken by the employer against the concerned workman was in pursuance of the policy of victimisation. The first chargesheet, Ext. M1 was issued to the concerned workman on 20th August, 1964 and within a month two more chargesheets, Ext. M4 and M7 were issued to him. From the statements Ext. M12(e) and M11(o) it appears that the employers reported against the concerned workman and others and the Police took them away to the police station. As the action taken by the employers is not justified or warranted. It probabilises that the action taken by them was in pursuance of the policy of victimisation. Hence, I hold that the suspension of the concerned workman, Shri Naru Mahate, Miner Ballihari Colliery of Messrs Ballihari Colliery Co. (P) Ltd., from 21st August, 1964 to 29th September, 1964 and from 3rd October, 1964 to 12th October, 1964 was a case of victimisation, and, as such, he is entitled to his wages, and other emoluments and benefits for the above periods as though he was not suspended at all for any time during the above two periods. The award is made accordingly and submitted under section 15 of the Industrial Disputes Act, 1947. No order is passed as to costs

(Sd.) N. VENKATA RAO.  
Presiding Officer.

#### APPENDIX I

#### BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 16 OF 1967

Employers in relation to the Ballihari Colliery of Messrs Ballihari Colliery Company  
Private Ltd., Post Office Kusunda, Distt. Dhanbad.

AND

THEIR WORKMEN

*List of Documents admitted in evidence for employers.*

Distinguishing mark or number	Description of document and date	Date of order	Whether admitted or proved	Proved by
Ext. M1	Chargesheet No. 8/461 dt. 20-8-64.	18-7-67	Admitted.	



Distinguishing mark or number	Description of document & date	Date of order	Whether admitted or proved	Proved by
Ext.M2	Manager's letter dt. 25-8-64 fixing the date of enquiry.	18-7-67	Admitted	
Ext.M3	Manager's letter dt. 2-9-64 allowing Shri Naru Mahato and 2 others to resume work	Do.	Do.	
Ext.M4	Chargesheet No. 10/549 dt. 14-9-64.	Do.	Do.	
Ext.M5	Manager's letter dt. 28-9-64 fixing the date of enquiry.	Do.	Do.	
Ext.M6	Manager's letter dt. 1-10-64 suspending for 10 days by way of punishment.	Do.	Do.	
Ext.M7	Chargesheet No. 10/573 dt. 18-9-64.	Do.	Do.	
Ext.M8	Manager's letter dt. 28-9-64 fixing the date of enquiry.	Do.	Do.	
Ext.M9	Manager's letter dt. 1-10-64 giving warning to the person concerned.	Do.	Do.	
Ext.M10	Abstract of the Peon Book in relation to Shri Mahato.	Do.	Proved	By MW1
Ext.M11(a) to M11 (P)	Enquiry proceedings in respect of chargesheet Nos. 8/461, 8/455, 9/475 and 9/476 dt. 27-8-64 and 29-8-64 and enquiry report in respect of the above chargesheets dt. 29-8-64.	Do.	Do.	Do.
Ext.M12(a) to M12(g)	Enquiry proceedings dt. 30-9-64 in respect of chargesheet Nos. 10/549 and 10/578.	Do.	Do.	Do.
Ext.M13	Statement of Shri Haribar Gope in respect of chargesheet No. 10/549.	Do.	Do.	Do.

*List of documents admitted in evidence for workmen*

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Ext.W1	Chargesheet No. 8/461 dt. 20-8-64, issued to Shri Naru Mahato.	18-7-67	Admitted.	
Ext.W2	Chargesheet No. 10/549 dt. 14-9-64, issued to Shri Naru Mahato.	Do.	Do.	
Ext.W3	Chargesheet No. 10/578 dt. 18-9-64, issued to Shri Naru Mahato.	Do.	Do.	
Ext.W4	Letter dt. 1-10-64 from the Manager Balihari Colliery addressed to Naru Mahato.	Do.	Do.	
Ext.W5	Order of suspension	Do.	Do.	

(Sd/-) N. VENKATA RAO,  
Presiding Officer,  
Central Govt. Additional Industrial  
Tribunal, Dhanbad.

## APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL  
TRIBUNAL AT DHANBAD

## REFERENCE No. 16 of 1967.

Employers in relation to the Balihari Colliery of Messrs Balihari Colliery Company Private Ltd., Post Office, Kusunda, Dist. Dhanbad.

AND

Their Workmen

*List of witness examined for the workmen*

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

*List of witness examined for the employers*

No. of witness	Name of witness	Date of examination
MW1.	Sri Amrendra Kumar Majumdar	18-7-67
MW2.	Sri B.N. Dubey	18-7-67.
MW3.	Sri A.D. Shukla	18-7-67.

(Sd/-) N. VENKATA RAO

Presiding Officer,  
Central Govt., Additional Industrial  
Tribunal, Dhanbad.

[No. 2/143 64-LR-II]

New Delhi, the 1st September 1967

S.O. 3166.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Ballarpur Collieries, Nagpur and their workmen, which was received by the Central Government on the 26th August, 1967.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR.

Dated August 7, 1967

[PRESENT:

Sri G. C. Agarwala, *Presiding Officer.*

REFERENCE No. CGIT/LC(R)(6)/1967

In the matter of an industrial dispute between the workmen and the employers in relation to Ballarpur Collieries Company Limited, Nagpur (Maharashtra).

APPEARANCES:

*For employers*—Sri S. V. Kanadey, Personnel Officer, Ballarpur Collieries, Nagpur.

*For workmen*—Sri V. R. Labde, General Secretary, M. P. R. K. K. Kamgar Sangh, Ballarpur Distt., Chanda.

INDUSTRY: Coal Mine.

DISTRICT: Nagpur (Maharashtra).

**AWARD**

By Notification No. 3/1/67-LRII, dated 13th April 1967, the Ministry of Labour & Employment referred the following matter of dispute as stated in the schedule to the order of reference, to this Tribunal for adjudication:

*Matter of Dispute*

Whether the dismissal of Rambhau Adkujee Dhabekar Relieving Fitter by the management of Ballarpur Colliery with effect from the 2nd November, 1966, was justified? If not to what relief is the workman entitled?

After issue of usual notices written statements were filed by both the parties. No rejoinders were filed and a date for hearing was fixed. The representatives of the parties have, however, appeared today and have filed a petition stating that the dispute has been fully and finally settled. Terms of the petition and the settlement are reproduced in the annexure. The petition has been duly verified before me. The dispute relates to the termination of the service of a single workman, Rambhau Adkujee Dhabekar. On acceptance of a sum of Rs. 800/- by the workman the claim has been settled. This is a fair and satisfactory settlement of the dispute and an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,  
Presiding Officer,  
7-8-1967

**ANNEXURE**

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR**

**REFERENCE No. CGIT/LC(6) OF 1967 FIXED FOR 7-8-1967**

**M. P. Rashtriya Koyala Khadan Kamgar Sangh, Ballarpur.**

**Versus**

**The Ballarpur Collieries Company.**

*Application to record settlement*

Both the parties beg to apply as under:—

1. That both the parties to this proceeding have mutually settled the entire dispute referred to this Hon'ble Court. The settlement has been reduced to writing and has been duly signed by both the parties. The settlement is enclosed herewith.

2. In terms of the settlement, the Employers has paid Rs. 800/- in full and final settlement of the entire claim of the workman on 24th July 1967.

3. Since the dispute referred to this Hon'ble Court has been mutually settled and in terms thereof the agreed amount has also been paid, nothing has remained to be decided now by this Hon'ble Court.

4. Both the parties, therefore, most humbly pray that this Hon'ble Court be pleased to record the settlement and file the proceeding.

(Sd.) S. V. KANADEY,  
Personnel Officer,  
for Ballarpur Collieries Co.  
27-7-1967.

Nagpur:  
Dated: 27-7-1967.

(Sd.) V. R. LABDE,  
General Secretary,  
M. P. Rashtriya Koyala Khadan  
Kamgar Sangh, Ballarpur.  
27-7-1967.

(Sd.) V. R. LABDE,  
7-8-1967.

(Sd.) S. V. KANADEY,  
7-8-1967.

*Verified*

(Sd.) G. C. AGARWALA,  
Presiding Officer,  
Central Govt. Industrial Tribunal-cum-Labour  
Court, Jabalpur.  
7-8-1967.

*Part of Award:*

(Sd.) G. C. AGARWALA,  
Presiding Officer.

## ANNEXURE

## FORM H

(See Rule 58)

## Memorandum of Settlement

19th July, 1967.

- (1) *Representing Employers*.—Shri S. V. Kanadey, Personnel Officer, The Ballarpur Collieries Co., Nagpur.
- (2) *Representing the Workman*.—Shri V. R. Labde, General Secretary, M. P. Rashtriya Koyala Khadan Kamgar Sangh, Ballarpur.

## Short Recital of the Case

Shri Rambhau Adkujee Dhabekar was working as Relieving Fitter at Ballarpur Colliery. He was allegedly involved in the illegal strike and assault on Shri G. M. Gadre, Office Superintendent, Ballarpur Colliery on April 4th, 1966. A departmental enquiry was held and he was dismissed. The union however, took up the matter in conciliation and a Reference No. CGIT/LC(6) of 1967 is at present pending before the Industrial Tribunal-cum-Labour Court (Central), at Jabalpur.

## Terms of Settlement

The parties have settled the entire dispute on the following terms:—

- (1) That Shri Rambhau Adkujee Dhabekar, Ex-Relieving Fitter, Ballarpur Colliery, the workman concerned in the dispute should be paid Rs. 800/- (Rs. Eight hundred) only as *ex-gratia* payment in full and final settlement of all his claims.
- (2) That the amount of Rs. 800/- (Rs. Eight hundred) only to be paid by 24th July 1967.

Since both the parties have mutually settled the dispute, this Industrial Tribunal-cum-Labour Court (Central), at Jabalpur be pleased to record the settlement and file the proceedings before it.

(1) *Representing Employers*:

(Sd.) S. V. KANADEY,  
Personnel Officer,  
Ballarpur Collieries Co.

(2) *Representing the Workman*:

(Sd.) V. R. LABDE,  
General Secretary,  
M. P. Rashtriya Koyala Khadan  
Kamgar Singh, Ballarpur.

## Witnesses:

1. (Sd.) S. K. ANDANKAR,  
Stenographer,  
Ballarpur Collieries Co.
2. (Sd.) RAM SAJIVANSINGH,  
Secretary, Bombay Pradesh Mine  
Workers' Union, Ballarpur.

## Part of Award

(Sd.) G. C. AGARWALA,  
Presiding Officer,  
Industrial Tribunal-Cum-Labour Court (Central), Jabalpur,  
7-8-1967.

[No. 3/1/67-LR. II.]

New Delhi, the 2nd September 1967

S.O. 3167.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Lower Kenda Colliery, Post Office Kajoragram, District Burdwan and their workmen, which was received by the Central Government on the 25th August, 1967.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 132 of 1966

## PARTIES:

Employers in relation to the Lower Kenda Colliery,

AND

Their workmen.

## PRESENT:

Shri S. K. Sen, Presiding Officer.

## APPEARANCES:

On behalf of Employers—Shri Satis Sen, Advocate.

On behalf of Workmen—Shri S. S. Chowdhury, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

## AWARD

The Government of India by Order No. 6/87/66-LRII, dated 15th November, 1966 referred for adjudication an industrial dispute between the employers in relation to the Lower Kenda Colliery, P.O. Kajoragram, Distt. Burdwan and their workmen represented by the General Secretary, Colliery Mazdoor Union arising out of the termination of service of one Mewalal Das, Loader with effect from 24th April, 1966. Mewalal Das, a loader of Lower Kenda Colliery went home on leave from 23rd February, 1966 to 12th March, 1966. On 13th March, 1966 Mewalal did not join and on 22nd March, 1966 an application was received from him for extension of leave by 15 days. This application was allowed and Mewalal Das was informed at his village address by a letter of the management dated 22nd March, 1966 and Mewalal Das was, therefore due to join on 29th March, 1966 but he did not appear on that day. No further application for extension of leave was received from him. On 3rd April, 1966 the management drew up chargesheet against him for remaining absent without leave for more than 10 days. A copy of the chargesheet was sent by registered post to the village address of Mewalal. No reply was received to the chargesheet and the management thereupon decided to terminate his service with effect from 24th April, 1966 and passed an order accordingly and sent a copy of that order by registered post to Mewalal. Mewalal then appeared on 22nd May, 1966 but he was not permitted to join at that stage. Accordingly, the matter was taken before the Conciliation Officer, Raniganj but no settlement could be effected before him.

2. No written statement was filed by the union. From the failure report of the Conciliation Officer it appears that the case of the union before the Conciliation Officer was that there was an epidemic of small pox in Mewalal's village when he was there on leave, and some members of his family died of small pox and Mewalal himself felt unwell, and therefore he was advised by his well wishers to stay on until he was quite well, and accordingly when he became well he returned to the colliery but was then not permitted to join.

3. Representatives of both sides appeared before the tribunal when the reference case was posted for fixing the date of hearing and the case was fixed for hearing on 23rd August, 1967. On 23rd August, 1967 the representatives of the parties appeared and stated that the case had been amicably settled and they filed a joint petition of compromise. It appears that the employers have already taken back Mewalal Das with effect from 11th February, 1967 and agreed to treat the period of unemployment until 10th February, 1967 as leave without pay. The terms of compromise appear to be satisfactory and are accepted and an award is made in terms of the petition of compromise, a copy of which shall form part of the award.

(Sd.) S. K. SEN,

Presiding Officer.

Dated, 23rd August, 1967.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 132 of 1966

BETWEEN

The Employers in relation to Lower Kenda Colliery, P.O. Kajoragram,  
District Burdwan

AND

Their workmen represented by Colliery Mazdoor Union, 27, G.T. Road,  
Asonsol, Burdwan.*Joint Petition of Compromise:*

The parties aforesaid most respectfully beg to submit as under:

1. The parties have settled the dispute involved in the present reference by mutual negotiations on terms hereinafter stated.
2. The employers have already re-instated Sri Mewalal Das in his former service on and from 11th February, 1967.
3. The period of unemployment of Sri Mewalal Das till the date of his re-instatement on 11th February, 1967 will be treated as leave without pay but without any break in his service.
4. The parties will bear their own costs of the proceedings.

The parties pray that the Hon'ble Tribunal may be pleased to give its award in the present reference in terms aforesaid or to pass such other order or orders as it may be deemed fit and proper.

(Sd.) PROVAT GOSWAMY,

Organising Secretary,

Colliery Mazdoor Union  
representing the workmen.(Sd.) SATIS SEN,  
Advocate.Submitted by  
S. S. CHOWDHURY,  
Advocate,  
28-8-67.(Sd.) MUKTIBRATA GHOSH CHANDHER,  
Labour Officer,  
Representing the Employer.  
23-8-67.

[No. 6/87/66-LR.II.]

## ORDERS

*New Delhi, the 26th August 1967*

**S.O. 3168.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Gazdhar Kajora Colliery, Post Office Kajoragram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

## SCHEDULE

Whether the management of Gazdhar Kajora Colliery was justified in stopping the working of the colliery from the 1st July, 1967? If not, to what relief are the workmen entitled?

[No. 1/29/67-LR.II.]

52/1

**S.O. 3169.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Shaw Wallace and Company Limited, Parasia and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Messrs Shaw Wallace and Company Limited, Parasia is justified in transferring the Electrical Workshop from Barkui to the Central Workshop at Chandametta and introducing two shifts from 7-00 A.M. to 3-00 P.M. and 3-00 P.M. to 11-00 P.M. without providing the necessary facilities to the workers; if not to what relief are the workmen entitled?

[No. 5/32/67-LR.II.]

**S.O. 3170.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Chora Colliery, No. 10 Pit, Post Office Bahula, Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute or adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the denial of a permanent job to Shri Sukhdeo Gore, Machine Helper, with effect from the 16th May, 1967 by the management of Chora Colliery (No. 10 Pit and 1 and 2 Incline), was justified? If not, to what relief is the workman entitled?

[No. 6/58/67-LR.II.]

**S.O. 3171.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of East Bhuggatdih Colliery Company (Private) Limited, East Bhuggatdih Colliery, Post Office Jharia (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether having regard to the qualifications and actual performance of duties of Shri Samarjit Choudhury now designated as Lamp Safety Fitter in the East Bhuggatdih Colliery, the demand of the Colliery Staff Association, Begunia, Post Office Barakar, District Burdwan, that the said Shri Samarjit Choudhury should be designated and paid as Lamp Cabin Incharge, with effect from the 1st May, 1962 is justified?

If so, to what relief the said Shri Samarjit Choudhury is entitled?

[No. 2/86/67-LR.II.]

**S.O. 3172.**—Whereas an industrial dispute exists between the Birsinghpur Colliery Johilla Coalfields Birsinghpur, Shahdol District, Madhya Pradesh (hereinafter referred to as the said company) and their workmen represented by the Johilla Colliery Majdoor Sangh, Birsinghpur-Pali, Shahdol District (Madhya Pradesh) (hereinafter referred to as the Union);

And whereas the said Company and the Union have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) referred the said dispute to the arbitration of the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 17th August, 1967.

#### *Agreement*

(Under Section 10-A of the Industrial Disputes Act 1947)

#### BETWEEN

#### *Name of Parties:*

*Representing Employees.*—Shri K. C. Jain, General Manager, Birsinghpur, Colliery Johilla Coalfields Birsinghpur, Shahdol Distt. (M.P.)

*Representing Workmen.*—(1) Shri Mohanlal Sheohare (Workman himself) Oil Majdoor, Birsinghpur Colliery, Birsinghpur, Shahdol District, (M.P.)  
(2) Shri J. C. Jaiswal, General Secretary, Johilla Colliery Majdoor Sangh, Birsinghpur-Pali, Shahdol District (M.P.)

It is hereby agreed between the parties to refer the following Industrial Dispute to the arbitration of Shri G. C. Agarwal, Presiding Officer, Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur (M.P.)

#### (i) *Specific matter in dispute*

“Whether the management of Birsinghpur Colliery of Johilla Coalfields, Birsinghpur P. O., Shahdol District (M.P.) is justified in dismissing Shri Mohanlal Sheohare, Oil Majdoor from service with effect from 6th April, 1966. If not, what relief the Workman is entitled to.”

#### (ii) *Details of Parties to the dispute*

Management of Birsinghpur Colliery of Johilla Coalfield Birsinghpur, Shahdol District (M.P.)

#### AND

Shri Mohanlal Sheohare, Oil Majdoor, Birsinghpur Colliery Birsinghpur, Shahdol District (M.P.).

#### (iii) *Name of the Union, if any, representing the Workman.*

The Workman himself raised the dispute under Section 2A of the Industrial Disputes Act 1947. But he authorised Shri G. C. Jaiswal, General Secretary, Johilla Colliery Majdoor Sangh, Birsinghpur-Pali to represent his case before the Assistant Labour Commissioner (Central) Jabalpur. Therefore Union is not representing his case.

(iv) Total number of Workmen Employed in the undertaking: 1200

(v) Estimated number of Workmen affected by the dispute: 1.

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of ninety days or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period afore mentioned, the reference to arbitrator shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

#### *Signature of Parties.*

*Representing Employers:*

Sd./- K. C. JAIN,

*Representing Workman:*

Sd./- MOHANLAL SHEOHARE,

Sd./- G. C. JAISWAL,

#### *Witness:*

(1) Illegible

(2) Illegible (in Hindi)



New Delhi, the 29th August 1967

**S.O. 3173.**—Whereas, the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether the demand of the Andhra Pradesh Colliery Mazdoor Sangh for promotion of Shri M. Nagaiah, Category IX Carpenter of the Singareni Collieries Company, Limited, Kothagudium to the post of Pattern Maker is justified?

If so, from what date and to what relief is workman entitled?

[No. 7/12/67-LRIL]

**S.O. 3174.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Shaw Wallace & Company, Parasia, District Chhindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of Messrs Shaw Wallace and Company Limited in retiring their workmen employed in their collieries in Parasia Coalfield, in the absence of any fixed pension or gratuity scheme and in the absence of any provision in their Standing Orders to this effect, is legal and justified;

(2) If not, to what relief the workmen who have been retired by the management, and particularly the 34 workmen whose names are given in the Annexure, are entitled?

#### ANNEXURE

##### Datla West Colliery:

1. Shri Ghorla S/o Saligram—General Mazdoor,
2. Shri Shekh Jamil S/o Shekh Farid—Pankha Khalasi.
3. Shri Pratap Singh S/o Mahip Singh—Onsetter.
4. Shri Pooran S/o Parmanand—Platlayer Mazdoor.
5. Shri Jageshwar S/o Chandi—Sardar.
6. Shri Ramlal S/o Manni—Dresser.
7. Shri Kolhu S/o Ithoba—Carpenter.
8. Smt. Bhuriya W/o Chotelal.

##### Bhamori Colliery:

1. Shri Shiv Pal S/o Appa Vishvakarma
2. Shri Mahilal Mehra—Dresser.
3. Shri Mohd. Baux—Chowkidar.
4. Shri Udh—Line Mazdoor.
5. Shri Pushau—Chowkidar.
6. Shri Shankar Rao—Manganese Clerk.
7. Shri Bhikhari—Pumper Pench River.

**Chandametta Colliery:**

1. Shri Battoolal S/o Mohan—Head Fitter.
2. Shri Kali Deen—Mechanical Fitter.
3. Shri Khittoo—Dresser.
4. Shri Bhaiyalal—Onsetter.
5. Shri Prahlal—Haulage Driver.

**Chandametta Workshop:**

1. Shri Ahmad Khan—Chowkidar.
2. Shri Jamal Khan—Tandale.
3. Shri Sakharam—Chowkidar.
4. Shri Devrao—Chowkidar.
5. Shri Jawahar Singh—C.C.M. Helper.
6. Shri Lungi Mazdoor—Mazdoor Moulding Shop.
7. Shri Karim—Mazdoor.

**Ekalhera Colliery:**

1. Smt. Pooni—Wagon Loader.

**Barkohui Colliery:**

1. Shri Shekh Haiddar—Haulage Khalasi.
2. Shri Nanhey—Chowkidar.
3. Shri Gulley—Pump Line Chowkidar.
4. Shri T. K. Swamy—Engineer.

**Jhatachappa Colliery:**

1. Shri Bhoora—Chowkidar.
2. Shri Dhanus.

[No. 5/13/67-LRII.]

*New Delhi, the 2nd September 1967*

**S.O. 3175.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Khas Joyrampur Colliery, Post Office Jeenagora, Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

**SCHEDULE**

- (i) Whether the action of the management of Khas Joyrampur Colliery, Post Office Khas Jeenagora in stopping Shri Raj Kishore Singh, Mining Sirdar from work with effect from the 22nd June, 1966, was justified?
- (ii) If not, to what relief is he entitled?

[No. 2/57/67-LRII.]

**S.O. 3176.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Rawanwara Colliery of Messrs Amalgamated Coal Fields Limited namely, Shaw Wallace and Company Limited, Post Office Parasia, District Chhindwara (Madhya Pradesh), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

**SCHEDULE**

Whether the employers in relation to Rawanwara Colliery namely, Messrs Shaw Wallace and Company Limited, Parasia, District Chhindwara (Madhya Pradesh), are justified in transferring Shri Bachoo from

**Rawanwara Colliery of Messrs Amalgamated Coal Fields Limited to Chandametta Colliery of Pench Valley Coal Company Limited with effect from the 26th November, 1966 and subsequently stopping from work; if not to what relief is the workman entitled.**

[No. 5/20/67-LRII.]

**S.O. 3177.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowrah Colliery Post Office Bhowrah, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed:

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Bhowrah Colliery, Post Office Bhowrah, District Dhanbad was justified in terminating the lien of Shri Kangloo Jeswara on the post of pick-Miner, 3A Incline and placing his name on Badli list with effect from the 30th June, 1966? If not, to what relief is the workman entitled?

[No. 2/171/66-LRII.]

**S.O. 3178.**—Whereas an industrial dispute exists between the North Chirimiri Colliery, Post Office Gelhapani District Surguja (Madhya Pradesh) (hereinafter referred to as the said company) and their workmen represented by the Madhya Pradesh Colliery Workers Federation (hereinafter referred to as the Union), Post Office Chirimiri, District Surguja (Madhya Pradesh).

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the said dispute to the arbitration of the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 23rd August, 1967.

#### Agreement

(Under Section 10-A of the Industrial Disputes Act, 1947).

#### BETWEEN

##### Names of the Parties:

**Representing Employers.**—Shri J. Kumar, Manager, North Chirimiri Colliery; P.O. Gelhapani (Distt. Surguja) M.P.

**Representing Workmen.**—Shri V. Pandey, Vice-President, M. P. Colliery Workers' Federation, P.O. Chirimiri (Distt. Surguja) M.P.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri A. S. Gupta, Assistant Labour Commissioner (Central), Bilaspur.

(i) *Spécific matters in dispute.*—Whether or not the claim of Shri Jogeshwar, Bucket man to get wages for the period of his idleness from 19th June 1966 to 24th January 1967 is justified? In either case, to what relief is he entitled?

(ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved.*—Employers in relation to the North Chirimiri Colliery of M/s. United Collieries Ltd. P.O. Gelthapani (Distt. Surguja) M.P. and their workmen represented by the Madhya Pradesh Colliery Workers' Federation, P.O. Chirimiri (Distt. Surguja) M.P.

(iii) *Name of the union, if any, representing the workmen in question.*—Madhya Pradesh Colliery Workers' Federation, P.O. Chirimiri (Distt. Surguja) M.P.

(iv) *Total Number of workmen employed in the undertaking affected.*—826.

(v) *Estimated number of workmen affected or likely to be affected by the dispute.*—1.

We further agree that the decision of the Arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of 3 months or within such further time as is extended by the mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

*Representing employers:*

Sd./- J. KUMAR,

*Representing Workmen:*

Sd./- V. PANDEY,

*Witnesses:*

1. Sd./- R. M. SEN.

2. Sd./- THANWARDAS P. K.  
CHIRIMIRI,

Dated the 9th August, 1967.

[No. 5/39/67-LRII.]

**S.O. 3179.**—Whereas an industrial dispute exists between the Ghusick Colliery of Messrs Coal & Mineral Syndicate (P) Limited, Post Office Kalipahari, District Burdwan (hereinafter referred to as the said company) and their workmen represented by the Colliery Mazdoor Sabha, Post Office Asansol, District Burdwan (hereinafter referred to as the Union);

And whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the said dispute to the arbitration of the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government:

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 18th August, 1967.

## ARBITRATION AGREEMENT

### FORM C

(See Rule 7)

### Agreement

[Under Section 10A of the Industrial Disputes Act, 1947.]

### BETWEEN

#### *Names of parties:*

*Representing Employers.*—Shri A. K. Samanta, Director, M/s. Coal & Mineral Syndicate (P) Ltd. Owner of Ghusick Colliery, P.O. Kalipahari, Dist. Burdwan.

*Representing Workmen.*—Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha, G.H. Road, P.O. Asansol, Dist. Burdwan.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri G. S. Jabbi, Director General of Mines Safety, Dhanbad.

(i) Specific matters in dispute:—

“Whether the management of Ghusick Colliery (P.O. Kalipahari, Dist. Burdwan) of M/s. Coal & Mineral Syndicate (P) Ltd. was justified in dismissing from services the workmen named below with effect from 30th April 1966?”

(a) Gajru Rajbhar—Pick Miner.

(b) Dudhnath Rajbhar—Pick Miner.

- (c) Durjan Rajbhar—Pick Miner.
- (d) Mahabal Rajbhar—Pick Miner.
- (e) Chote Sukhnandan—Pick Miner.
- (f) Shew Rajbhar—Pick Miner.
- (g) Barhu Harijan—Pick Miner.
- (h) Shanker Bhar—Pick Miner.
- (i) Ramniga Singh—Underground Trammer.

“If not, to what relief are the workmen concerned entitled to?”

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

- (a) Ghusick Colliery of M/s. Coal & Mineral Syndicate (P) Ltd., P.O. Kall-pahari, Dist. Burdwan.

AND

their workmen represented through the Colliery Mazdoor Sabha, G.T. Road, P.O. Asansol, Dist. Burdwan.

(iii) Name of the Union, if any, representing the workmen in question.

Colliery Mazdoor Sabha, G.T. Road, P.O. Asansol, Dist. Burdwan.

(iv) Total number of workmen employed in the undertaking affected. ....480.

(v) Estimated number of workmen affected or likely to be effected by the dispute ....9 (Nine).

[the decision of the arbitrators shall be binding on us]

The arbitrator shall make his award within a period of two months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

*Signature of the parties.*

*Representing Employer:*

Sd./- A. K. SAMANTA,  
6-6-1967.

Director of M/s. Coal & Mineral Syndicate  
(P) Ltd. Owner of Ghusick Colliery.

*Representing Workmen:*

Sd./- KALYAN ROY,  
6-6-1967.

Vice-President, Colliery Mazdoor Sabha.

**Witnesses:**

1. Sd./- JAGDISH PRASAD,  
6-6-1967.

Asst. Labour Commissioner,  
(C), Asansol.

2. Sd./- M. C. KUREEL,  
6-6-1967.

Labour Enforcement Officer (C),  
Asansol.

[No. 6/57/66-LRII.]

BALWANT SINGH, Under Secy.

## (Department of Labour and Employment)

*New Delhi, the 26th August 1967*

**S.O. 3180.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Calcutta Port Commissioners, Calcutta, and their workmen which was received by the Central Government on the 23rd August, 1967.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 128 OF 1966

**PARTIES:**

Employers in relation to the Calcutta Port Commissioners,

**AND**

Their workmen represented by Calcutta Port Shramik Union.

**PRESENT:**

Shri S. K. Sen—Presiding Officer.

**APPEARANCES:***On behalf of Employers*—Shri G. V. Karlekar, Chief Labour Officer.*On behalf of Workmen*—Shri Makhan Chatterjee, Genl. Secretary, Calcutta Port Shramik Union.**STATE:** West Bengal.**INDUSTRY:** Port.**AWARD**

By Order No. 28(105)/66-LRIV, dated 27th September, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Calcutta Port Commissioners and their workmen represented by the Calcutta Port Shramik Union in respect of the matter mentioned in the following schedule:

“Whether the existing method of calculation and computation of hours of work for the purpose of payment of night weightage to the cargo handling porters is correct or not? If not, what should be the relief?”

2. The cargo handling porters at Calcutta Port work in three shifts, namely 6-30 A.M. to 3-30 P.M., with one hour's recess from 10-30 A.M. to 11-30 A.M., 3-30 P.M. to 10-30 P.M. with half an hour's recess and 10-30 P.M. to 6-30 A.M. with half an hour's recess. The shifts at coal docks are somewhat different but we are not concerned with the same in this case. Before stating the point of the present dispute it is necessary to describe briefly the background leading up to the present dispute. Shri P. C. Chaudhury, I.C.S., was appointed by the Government of India as Officer on Special Duty to enquire into the various demands of labour in the Port and dock areas. Among the terms of reference, which were finalised in November 1956, were included enquiry into and making recommendations regarding working hours including duration of night shifts. After Shri Chaudhury had submitted his report in September, 1957, the Government of India after consulting the authorities of the various Ports and the unions representing labour at the various Ports adopted a resolution on 20th July, 1958, on the question dealt with in the report of Shri P. C. Chaudhury and laying down certain directives for the port authorities. A copy of the resolution has been filed as Annexure A to the written statement of the Port Commissioners. In paragraph 25 of the resolution, it is mentioned that the duration of the night shift for staff engaged in cargo handling operations at the Port of Bombay has been fixed at 6 hours exclusive of recess under a decision of the Labour Appellate Tribunal, and that at Madras the second and third shifts for such staff which were each of 8 hours' duration until 28th February, 1958, have been reduced to 6½ hours each exclusive of recess on the recommendation of the Piece Rate Committee. The Government observed that they did not want to interfere with the decisions arrived at in Bombay and Madras or which might be arrived

at Calcutta. In paragraph 27 it is observed that in Calcutta no recess is provided in the night shift and that Government consider that recess is necessary and should be provided in the night shift at Calcutta. In paragraph 36 of the resolution the Government drew attention of the Port authorities and Labour unions to the practice in the Posts and Telegraphs Department whereby an hour's work during certain hours of the night is equated to more than an hour's work during the day according to prescribed co-efficients, and observed that if a similar system could be adopted in the Ports, problems relating to shift hours, rates of overtime, etc. pertaining to night work would solve themselves. After this directive by the Government of India, the Port Commissioners issued a Circular No. 7404/A/2 on 26th June, 1959, introducing recess in all the shifts including the night shift. A copy of the circular is part of Annexure III of the written statement of the Port Shramik Union. The recess hours are also mentioned in the memorandum of Port Commissioners, dated 18th July, 1959 (Annexure D of the written statement of the Port Commissioners). The union however, although it had been pressing for recess previously, asked for certain additional benefits including reduction of the hours of the night shift with weightage for the work done. A copy of the letter of 11th July, 1959, from the Calcutta Port Shramik Union to the Port Commissioners is Annexure E of the written statement of the Port Commissioners. Therein the union wanted that the night shift should be from 10-30 P.M. to 5-30 A.M. with recess for half an hour from 2 A.M. to 2-30 A.M. i.e. of 7 hours' duration like the second shift with half an hour's recess. The union also wanted that in view of the reduction of the working hours of the second and third shifts to 6½ hours exclusive of recess the co-efficients of payment for night work prevailing in the Posts and Telegraphs Department should be applied thereto as recommended in the Government resolution. After this letter of the union, there was some negotiation between the Port authorities and the union and ultimately the Port Commissioners wrote by letter No. 7404/A/3, dated 25th July, 1959 that "the Commissioners are in favour of giving effect to the recommendations made on this point in the Government resolution of the 20th July; if however the members of the union are unwilling to enjoy this amenity as offered at present, the Commissioners do not intend compelling them". This quotation from the aforesaid letter is given in paragraph 14 of the written statement of the union; the correctness thereof has been admitted by the employers. In respect of work on the second shift the length of which was reduced to 7 hours when the third shift was introduced in 1955, the Commissioners agreed to give weightage by 1/7. This rule is incorporated in the Revised Incentive Piece Rate Scheme, 1964. Paragraph 5(iii) at page 3 of the Booklet containing the scheme provides that in the second shift the total tonnage of cargo carried by a gang is to be increased by 1/7 before computing the per capita handling for application of the rate of payment. The present dispute however does not concern the second shift. So far as the third shift is concerned, the total length thereof is 8 hours; but if half an hour is subtracted on account of recess, the actual working time is 7½ hours. As for the total tonnage moved during the third shift or night shift, no weightage was agreed. It has already been mentioned that in respect of night shift, the Government had recommended that the Port authorities should consider equating one hour's work during certain hours of night to more than an hour's work during the day according to prescribed co-efficients. At the Ministry level an agreement was arrived at by negotiation on this point in 1962, and the Government directive is contained in Circular Order No. 23-PLA(26)/62 dated 10th July 1962 of which a copy appears as Annexure I of the written statement of the union. The Government order states that all class III and class IV employees of the Port administration who are required to work between 10 p.m. and 6 a.m. should be allowed weightage for every hour's work during that period, the weightage being 10 minutes for every hour worked during that period; it also specifies that where there is already a built-in weightage in the shape of shorter working hours, no other weightage should be allowed and that it would be open to the Port administration to reduce the hours of work in the case of shifts which fall between or extend into the period between 10 p.m. and 6 a.m.; it also specifies that the period of recess including variable recess shall not count for weightage. The order further provides that extra payment to an employee for weightage for night duty shall fall due when the total of the actual hours worked plus weightage exceeds the normal day shift hours; the rate for calculating the extra payment is also mentioned in one of the clauses of the order; (Clause viii) it is to be calculated at single rate, the rate per hour being pay plus dearness allowance plus compensatory allowance divided by 240. The Port Commissioners on receipt of the order issued their own circular incorporating all the clauses of the Government order. This circular is 7404/A/6/II dated 2nd August 1962 of which a copy appears at Annexure II of the written statement of union; also as part of Annexure B to written statement of the Port Commissioners.

3. When the system of weightage for night work came into force the question of recess assumed importance. The recess prescribed is between 2 and 2-30 a.m. If the recess is ignored and the whole time of the shift counted, the workman would get the benefit of an extra payment for 40 minutes more than if the recess is taken into consideration and is deducted for ascertaining the hours of work, as explained below:

The Commissioners by way of amplification of the instructions contained in their circular letter dated 2nd August 1962 referred to above laid down by circular letter 7404/A, G/III dated 28th August 1962 that for the purpose of giving weightage of 10 minutes per hour of duty performed, duty for less than half hour should be ignored, but duty for half an hour and more but less than one hour should be reckoned as one full hour. A copy of this circular dated 28th August 1962 appears as Annexure C of the written statement of the Commissioners. The third shift is between 10-30 p.m. and 6-30 a.m. Within this period of 8 hours,  $7\frac{1}{2}$  hour's time between 10 p.m. and 6 p.m. is eligible for weightage but by the Circular letter of 28th August, 1962  $7\frac{1}{2}$  hours would count as 8 hours and therefore the extra weightage admissible would be 80 minutes and total working time would be 9 hours 20 minutes. On the other hand, if recess is enjoyed between 2 and 2-30 a.m. the time of work during 10 p.m. and 6 a.m. would be 7 hours, for which 70 minutes would be added as night weightage, plus half an hour outside the period for which weightage is allowable. The total time would therefore come to 8 hours and 40 minutes. Thus the difference would be 40 minutes.

4. This is the main point of the dispute raised by the union in the matter of computation of hours of work for the purpose of payment of night weightage to the cargo handling porters. The contention of the union is that no deduction must be made for the recess, for the workmen do not want it and the Commissioners agreed not to compel the workmen to have it; and that weightage should be allowed on the entire period falling between 10 p.m. and 6 a.m. Another point raised is that in computing the rate for overtime in accordance with the instructions in the Government order, the pay for the weekly days of rest has not been included and that the same should be included Clause (viii) of the Government order provides that the rate per hour for overtime shall be the single rate calculated at pay plus dearness plus compensatory allowance divided by 240. The Revised Incentive Piece Rate Scheme mentions in paragraph 4 that the pay scale applicable to A category porters is Rs 70-1-85-EB-2-89. In order to combine the monthly pay scale with the Incentive Piece Rate Scheme, the total monthly remuneration is divided into a static element, consisting of all but Rs. 45 of what the workmen would get if he were on a fixed monthly scale; and what may be called a dynamic element which may be earned under the incentive piece rate scheme, under which Rs. 45 is the guaranteed monthly earning, but 3 or 4 times as much may be earned by putting in willing work for the full time of the shift. Paragraph 14 of the Incentive Piece Rate Scheme defines the static element; in simple language, it consists of the basic pay in the scale 70-89 less 45, plus the dearness allowance as allowed by the Commissioners from time to time and compensatory allowance as allowed by the Commissioners from time to time. Paragraph 13 mentions the guaranteed earning of Rs. 45 per month under the Incentive Piece Rate Scheme, in addition to the static element; and details of the incentive piece rate scheme for cargo handling are given in paragraph 5 of the scheme. At present in addition to dearness allowance and City compensatory allowance the interim relief granted by the Central Wage Board of Rs. 11.80 is also added in arriving at the static element of the total pay. Paragraph 16 of the Incentive Piece Rate Scheme provides that A category workers shall be credited with an earning of Rs. 2.40 on each weekly off day. This amount is in addition to the static element of the pay described in paragraph 14 summarised above. Since apart from the static element, the monthly guarantee is for the minimum of Rs 45 which has been taken out from the basic pay in order to work out the Incentive Piece Rate Scheme, the pay for the weekly off day should have been Rs. 1.50 as was the minimum guaranteed daily earning under the piece rate scheme when the Revised Incentive Piece rate scheme, 1964 was adopted originally; under the threat of strike from the 29th December, 1964, the Commissioners on 28th December 1964 agreed to raise the minimum guaranteed earning for each working day to Rs. 1.73; but it was Rs. 1.50 under the scheme originally agreed to and adopted. But the Minimum Wage Act and the Minimum Wage Central Rules provide for a weekly off day paid at the rate of the average earning and so under pressure from the Union, the Commissioners agreed to pay at the rate of Rs. 2.40 for each weekly off day in addition to the static element of the wage structure. It is this amount of



Rs. 2.40 per weekly off day that the Commissioners are not adding in computing the total pay for the purpose of computing the single rate for night weightage but the union claims that earning for 4 or 5 weekly off days being included in their pay for the month, this earning should also be included in computing the rate at which overtime is paid.

5 With reference to the claim that the recess period should not be deducted in computing the night weightage, the Commissioners' case is that as the Commissioners agreed, they do not insist on the workers of A category and B category actually taking the recess between 2 and 2-30 a.m.; but during that period the Dock Labour Board workers who handle the cargo on Board the ship and the crane man who works the crane by which the cargo is moved from the ship to the shore or from the shore to the ship, avail of the recess, and as a matter of practice most of A category and B category porters of Port Commissioners also avail of the recess although some do not. The Super-cargoes employed under the Calcutta Port Commissioners keep Muster Rolls in which the attendance and the time of work of each gang member is noted; it is also noted therein whether the gang avails of the recess or not. Calculation of night weightage is made on the basis of these muster rolls prepared by the Supercargoes; i.e. where it appears that members of a particular gang have availed of the recess, the recess is deducted; but no deduction is made when it appears that the gang members have not availed of the recess. As regards the second point urged by the union, the contention of the Commissioners is that the earning credited for the weekly off days is credited only when the workman works for the whole of the previous week and that it is not paid when the workman goes on leave; and that the earning credited for the weekly off day is not really part of the monthly pay of the worker and therefore the earnings for the 4 weekly off days though paid to the workman when he is working throughout the month cannot be taken into account for the purpose of calculating the single rate for the night weightage in accordance with the Government order.

6. Only one witness has been examined for the union and two for the Port Commissioners. The witness for the union is Azimuddin, a porter of Gang No. 47-East Side in the Calcutta Port. He said that there is no recess in the afternoon shift and night shift and there is one hour recess only for the morning shift for meals. In cross examination he denied that Port Commissioners had notified half an hour's recess for the second and third shifts. Since the union itself admitted the Port Commissioners' circular as to recess, clearly this witness was not speaking the truth when he denied that the Port Commissioners had notified recess for the second and third shifts and denied also that the Porters voluntarily did not avail of the recess although the same was permitted to be taken by the Port Commissioners. He admitted that the workmen of the Dock Labour Board take half an hour's recess in both afternoon and night shifts and that the crane driver also takes recess because the Dock Labour Board workers who work on board the ship do not do any work during the recess period; but he claimed that porters of Port Commissioners gang sometimes are engaged during that time in doing work in the sheds i.e. stacking or restacking, although they do not have any work of loading and unloading at that time. Since the Dock Labour Board workers who work on board the ship stop work during the recess period and the crane driver also stops work, it is clear that the Port Commissioners gangs belonging to A and B categories cannot all be working during the recess time, and that at most only some of the gangs may do some work in the sheds during that time. MW 1-S. N. Sen Gupta, a Super-Cargo, stated that there is half an hour's recess from 2 to 2-30 a.m. during night shift and the Port Commissioners gangs also generally stop work during that time as they have nothing to do. He produced a muster-sheet marked Ext. A where it is noted that on 4th March 1967 during the night shift, a particular gang took half an hour's recess from 2 to 2-30 a.m. The Port Commissioners were directed to produce the whole bunch of such muster-sheets for 1966-67 to show whether all the gangs of the Port Commissioners take recess during that time. Accordingly on the adjourned date of hearing, the Port Commissioners examined another witness, D. P. Mitra, who produced a whole bunch of muster-sheets for the year 1966-67 marked Ext. B collectively. Some of these muster-sheets relate to afternoon shifts and some to night shifts. There are some muster-sheets relating to the night shift which show work for full 8 hours. There are others which show that recess was taken between 2 and 2-30 a.m. This evidence supports the case of the Port Commissioners that some of the gangs take recess during the scheduled half an hour of the night shift, but some gangs continue to work during that time. D. P. Mitra also said so in his evidence, saying that during the recess time the Port Commissioners' gangs carry on work i.e. some of them carry on

work but not all of them. What is done by the gangs is recorded in the muster-sheets. In the circumstances, the Port Commissioners' practice of calculating the night weightage on the actual state of facts, i.e. deducting the recess period where recess has been availed of, but not deducting the same when the gang has worked during the recess period, must be considered sound and the same practice must be continued. There is no reason why the recess period should not be excluded if the workers avail of the recess period.

7. As regards the second point as to the rate for calculation of the night weightage, clause (viii) of the Government order states that rate per hour should be calculated at pay plus dearness allowance plus compensatory allowance divided by 240. Interim relief granted by the Central Wage Board has now been added to pay. As regards the amounts of the interim relief and the dearness allowance and compensatory allowance there is no dispute. It is admitted that the interim relief is now Rs. 11.80, dearness allowance Rs. 47 and City compensatory allowance is Rs. 8.70. Most of the porters are now drawing basic pay at the stage of Rs. 87 in the scale of Rs. 75—Rs. 89. According to the Port Commissioners this figure of Rs. 87 should be taken and added to the dearness allowance, city compensatory allowance and interim relief to arrive at the monthly pay which comes to Rs. 154.50 and this is to be divided by 240 to arrive at the hourly rate at which the night weightage is to be calculated. The contention of the union is that Rs. 9.60 if there are 4 weekly holidays and Rs. 12 if there are 5 weekly holidays, in a month must be added to the figure. In paragraph 37 of the Government resolution of 20th July 1958 it is provided that any incentive bonus earned under a Piece Rate Incentive Scheme or otherwise should not be treated as part of the emoluments for the purpose of computing overtime, but the basic wage, the dearness allowance, the compensatory allowance, etc. i.e. all the elements of the time rate wage should be taken into account as emoluments for the purpose. Reference may be made in this connection to an observation of the Supreme Court in *The Workmen of Bombay Port Trust V. Trustee of Bombay Port* (AIR 1962 S.C. 481), that the term 'daily wages' as ordinarily understood does not include overtime earnings, and does not also include the high additional earnings that a workman may receive by increasing his output above the minimum under an incentive piece rate scheme. The Supreme Court held that the guaranteed minimum should be taken as the workman's daily wage, and should also be the wage paid for the weekly holiday under the Minimum Wages (Central) Rules. If the Port Commissioners at Calcutta had heeded this ruling, they would not have fixed the earnings for a weekly off day at Rs. 2.40. Be that as it may, it is clear that the high additional earning under the incentive piece rate scheme is not to be considered as part of the monthly pay for the purpose of overtime allowance or weightage allowance. Now the earning at Rs. 2.40 per weekly off day which is credited by paragraph 16 of the Revised Incentive Piece Rate Scheme contains an element of incentive bonus earned i.e. the earning for the weekly off has been calculated by taking into consideration the average extra incentive bonus earned during the 6 working days. It is not part of the basic wage to which the porters are entitled under their condition of service. It has already been mentioned that this extra earning credited for weekly off days is not paid during earned leave enjoyed by the workers of these categories. This also makes it clear that this payment is really part of the extra earning under the Incentive Bonus Scheme and is not part of the time rate pay. In the circumstances, I hold that the Port Commissioners are right in not including this extra earning credited for the weekly off days for the purpose of calculating the rate for the night weightage.

8. My award, therefore, is that the existing method of calculation and computation of hours of work for the purpose of payment of night weightage to the cargo handling porters is correct. No further relief is therefore due to these cargo handling porters in this respect.

(Sd.) S. K. SEN,  
Presiding Officer.

Dated, 17th August 1967.

[No. 28(105)/66-LR.IV.]

New Delhi, the 30th August 1967

**S.O. 3181.**—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendment in the notification of the Government of India in the

late Ministry of Labour and Employment No. S.O. 508, dated the 8th February 1962, namely:—

In the Table annexed to the said notification, the entries against S. Nos. 1 and 2 shall be omitted.

[No. F. 1/94/66-LR-1.]

*New Delhi, the 31st August 1967*

**S.O. 3182.**—In pursuance of sections 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi in the Industrial dispute between the employers in relation to Chartered Bank and their workmen which was received by the Central Government on the 24th August, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI**

**PRESENT:**

Shri Anand Narain Kaul, Central Government Industrial Tribunal, Delhi.

*22nd July, 1967*

I.D. No. 1 of 1964.

**BETWEEN**

The Employers in relation to the Chartered Bank, Indra Palace, 'H' Block, Connaught Circus, New Delhi.

**AND**

Their workmen as represented by the Chartered Bank Employees Union, Indra Palace, 'H' Block, Connaught Circus, New Delhi.

Shri K. K. Khullar.—*For the management.*

Sarvashri S. C. Dass and D. N. Seth.—*For the workmen.*

**AWARD**

By S.O. dated 22nd June, 1964, the Central Government referred the dispute existing between the employers in relation to the Chartered Bank and their workmen to Shri J. K. Tandon, Industrial Tribunal, with headquarters at Lucknow. The dispute as specified in the Schedule annexed thereto was as follows:—

“Whether in view of the duties performed by Sarvashri Shyam Narain and Raghbar Dayal, Daffries in the New Delhi Branch of the Chartered Bank, their claim for clerical designation and scales of pay is justified and if so, to what relief the workmen are entitled”

By a subsequent order dated 14th August, 1964, the Central Government withdrew the said dispute from the Industrial Tribunal, Lucknow and transferred it to this Tribunal with the direction that it should proceed with the said dispute from the stage at which it was transferred and dispose of the same according to law.

2. After evidence had been recorded and arguments heard and when the case was reserved for award, the parties today reported having arrived at an amicable settlement and a memorandum of settlement was filed before me by Shri S. C. Das Mehta, Vice-President and Shri D. N. Seth, Secretary of the sponsoring Union and verified. These authorised representatives of the workmen have made a statement that they do not press their claim as embodied in the term of reference I.D. No. 1 of 1964 in view of the settlement and seek an award accordingly. The workman Shri Raghugar Dayal is also present and verifies the terms of the settlement and affirms withdrawal of the dispute. Shri K. K. Khullar on behalf of the management is also present and verifies the terms of the settlement. The case of Shri Shyam Narain was not pressed by the Union since he has already resigned from the service of the Bank as stated in para 11 of the statement of claim by the Union. In the circumstances, I pass an award in terms of the settlement Annexure 'A' which shall form part of the award but only in so far as it is covered by the terms of reference.

(Two pages)

(Sd.) ANAND NARAIN KAUL,

*The 22nd July, 1967.*

Central Govt. Industrial Tribunal, Delhi.

## ANNEXURE 'A'

*Memorandum of Settlement**Names of Parties:*

1. The Chartered Bank,  
Delhi and New Delhi.
- and
2. Their workmen as represented  
by the Chartered Bank  
Employees' Union, Delhi.

*Representing Management:*

1. Mr. D. K. Wore,  
Manager,  
The Chartered Bank,  
17, Parliament Street,  
New Delhi.
2. Mr. B. Y. Gupte,  
Accountant,  
The Chartered Bank,  
17, Parliament Street,  
New Delhi.

*Representing Workmen:*

1. Mr. S. C. Dass Mehta,  
Vice-President,  
The Chartered Bank Employees'  
Union, Delhi.
2. Mr. D. N. Seth,  
Secretary,  
The Chartered Bank Employees'  
Union, Delhi.
3. Shri Raghubar Dayal.
4. Shri Uday Chand.
5. Shri Madhusudan Sharma.

*Short Recital*

Sarvashri Raghubar Dayal, Uday Chand and Madhusudan Sharma joined service of the Bank as members of subordinate staff and are being allowed special allowance for daftaries.

The Union had claimed that keeping in mind the nature of duties actually performed, they should be designated as clerks. No settlement having been reached, the question regarding Shri Raghubar Dayal was referred to adjudication of Central Government Industrial Tribunal in Reference No. 1 of 1964. The Bank management contended that the duties performed by these employees were legitimate duties of daftaries and as such they had been rightly fixed in the appropriate categories.

With a view to arriving at a mutual settlement of the dispute, representatives of the Management and the workmen held discussions and without prejudice to the contentions of either parties to the dispute, they finally reached at the following settlement relating to the three persons, namely, Sarvashri Raghubar Dayal, Uday Chand and Madhusudan Sharma.

*Terms of Settlement*

(1) Having qualified in a test given by the Bank in reading and writing elementary English and Arithmetic, the management has agreed to place Shri Raghubar Dayal, Uday Chand and Madhusudan Sharma in the clerical grade with effect from the date mentioned against their names.

Shri Raghubar Dayal	—1-4-1966.
Shri Uday Chand	—1-4-1966
Shri Madhusudan Sharma	—1-4-1967

Each of these workmen will be first fitted in at the minimum of the salary scale of the clerks and would be entitled to one increment for every three years

of service as daftary upto 1st April 1965 and also one additional increment in respect of each of the years 1966 and 1967. For purposes of clarity the basic salary of each of the employees as on 1st April 1967 would be as follows:—

Shri Raghubar Dayal	Rs. 187
Shri Uday Chand	Rs. 173
Shri Madhusudan Sharma	Rs. 166

(2) It is agreed that the promotion of the three workmen shall not be taken to be a precedent and the settlement is restricted only to the three workmen concerned.

(3) It is agreed that the three workmen concerned shall attend to the duties which they are doing at present and shall also be liable to perform such duties which may be assigned to them pertaining to the clerical cadre.

(4) The management agrees to pay the following amounts to the persons mentioned in the settlement in full and final settlement of all their claims for overtime worked upto the date of settlement. The three persons concerned hereby acknowledge that they have no further claims or dues of any kind whatsoever against the Bank for the extra hours worked/overtime done for, upto and including the date of the settlement.

1. Shri Raghubar Dayal	Rs. 70
2. Shri Uday Chand	Rs. 35
3. Shri Madhusudan Sharma	Rs. 37

(5) It is agreed that the matter in I.D. No. 1 of 1964 pending before the Industrial Tribunal, Delhi, stands fully settled and it is agreed that a copy of the settlement will be filed before the Industrial Tribunal Delhi and the union shall state that they do not press their case in the matter pending before the Industrial Tribunal, Delhi in view of the Settlement having been arrived at.

(6) It is further agreed that the workmen do not have any claim whatsoever against the Bank for the work done for the period upto and including the date of signing of this settlement.

(7) It is agreed that this settlement is a settlement under Section 2(P) of the Industrial Disputes Act, 1947.

Copies of the settlement may be sent to the:—

1. Secretary, Government of India, Ministry of Labour and Employment, Sharam Bhavan, Rafi Marg, New Delhi.
2. Chief Labour Commissioner, Ministry of Labour & Employment, Sharam Bhavan, Rafi Marg, New Delhi.
3. Regional Labour Commissioner, Ministry of Labour & Employment, Sharam Bhavan, Rafi Marg, New Delhi.
4. Assistant Labour Commissioner, Ministry of Labour & Employment, Sharam Bhavan, Rafi Marg, New Delhi.

Signed this Twenty-first day of July, 1967, at New Delhi.

*For and on behalf of the workmen*

1. (Sd.) S. C. DASS MENTA,
2. (Sd.) D. N. SETH,
3. (Sd.) RAGHUBAR DAYAL,
4. (Sd.) UDAY CHAND,
5. (Sd.) MADHUSUDAN SHARMA,

*For and on behalf of the Management  
of the Chartered Bank, Delhi and  
New Delhi.*

1. (Sd.) Manager.
2. (Sd.) Accountant.

*Witnesses:*

1. (Sd.) RAM NARAIN KAPOOR.
2. (Sd.) RADHEY MOHAN.

*New Delhi, the 1st September 1967*

**S.O. 3183.**—Whereas the Central Government being satisfied that the public interest so required had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), [being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 730, dated the 28th February, 1967] service in hospitals and dispensaries carried on by or under the authority of the Central Government, to be a public utility service for the purposes of the said Act for a period of six months from the 7th March, 1967;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in pursuance of the provisions of the proviso to sub-clause (vi) of clause (1) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 7th September, 1967.

[No. F. 1/68/67-LR-I.]

### ORDERS

*New Delhi, the 29th August 1967*

**S.O. 3184.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of Patiala, Patiala and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Ishwar Dass Pawar shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

### SCHEDULE

Whether the action of the Management of the State Bank of Patiala, Patiala, in treating the period of suspension of Shri Tek Chand Sharma from 11th April 1963 to 18th November 1964 as extraordinary leave without pay, was justified? If not, to what relief is the workman entitled?

[No. 51/8/67/LR.III.]

*New Delhi, the 30th August 1967*

**S.O. 3185.**—Whereas the Central Government is of opinion that an industrial dispute exists or is apprehended between the management of Messrs. MWK INTERNATIONAL LIMITED INC, and their workmen in respect of the matters specified in the Schedule hereto annexed and that the said dispute involves a question of national importance and that the dispute is also of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such dispute;

And, whereas the Central Government is of opinion that the dispute should be adjudicated by a National Tribunal;

Now, therefore, in exercise of the powers conferred by sub-section (1A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute to the National Tribunal constituted by the order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2661, dated the 25th August, 1966, for adjudication.

### SCHEDULE

Whether the workmen employed in the establishments of Messrs M.W.K. International Limited in the Union Territory of Delhi and the States of Madhya Pradesh, Bihar, Orissa and West Bengal are entitled to bonus for the years 1964, 1965, 1966 and 1967? If so, at what rates?

[No. 17/6/67-LR.III.]

S. S. SAHASRANAMAN, Under Secy.

**(Department of Labour and Employment)***New Delhi, the 29th August 1967*

**S.O. 3186.**—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri T. S. Anantha Padmanabhan as Inspector of Mines subordinate to the Chief Inspector of Mines and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 531 dated the 2nd March, 1961, namely:—

In the said notification the following entry shall be added at the end namely:—

“(103) Shri T. S. Anantha Padmanabhan”.

[No. F. 8/76/66-MI.]

**S.O. 3187.**—Whereas it appears to the Central Government that Shri P. N. Choudhary, Manager, Dhori Colliery who is holder of a Manager's certificate is unfit to continue to hold his certificate by reason of incompetence, gross negligence and misconduct in the performance of his duties under the Mines Act, 1952 (35 of 1952) and the regulations made thereunder;

Now, therefore, in pursuance of regulation 25 of the Coal Mines Regulations, 1957, the Central Government hereby appoints a Court consisting of Shri N. V. Rao, Presiding Officer, Central Government Labour Court, Dhanbad, to hold an enquiry at Dhanbad to determine as to whether or not the said Shri P. N. Choudhary is fit to continue to hold such certificate. The Central Government further directs that the said enquiry may be conducted with the assistance of the following assessors, namely:—

1. Shri J. S. Grewal, General Manager, M/s. Raneegunge Coal Association Limited, Kustore Colliery, P.O. Kusunda (Dhanbad).
2. Shri H. K. Banerjee, Agent (Development), M/s. Bhowra Kanknee Collieries Limited, P.O. Bhowra (Dhanbad).

[No. 2/6/66/MI.]

*New Delhi, the 2nd September 1967*

**S.O. 3188.**—In exercise of the powers conferred by sub-section (1) of section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3361, dated the 29th October, 1966.

[No. 1/37/66-MI.]

J. D. TEWARI, Under Secy.

**(Department of Labour and Employment)***New Delhi, the 30th August 1967*

**S.O. 3189.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

*Amendments Scheme*

1. This scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, after clause 52, the following clause shall be inserted, namely:—

“52-A. *Arrears of dearness allowance, wages and other allowances.*—In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any award or recommendation of any Board or Body set up, or of any order made by the Central Government, the Board may out of its funds, pay the registered workers arrears upto the date of the award or, as the case may be, of the recommendation or order, if the Board so decides.”

[No. 528/168/65-Fac.-I.]

**S.O. 3190.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Bombay Dock Workers (Regulation of Employment) Scheme 1956, the same having been previously published as required by the said sub-section, namely:—

*Amendment Scheme*

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, after clause 51, the following clause shall be inserted, namely:—

"51-A. *Arrears of dearness allowance, wages and other allowances.*—In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any award or recommendation of any board or body set up or of any order made, by the Central Government, the Board may out of its funds, pay the registered workers arrears upto the date of the award or, as the case may be, of the recommendation or order, if the Board so decides."

[No. 528/168/65-Fac.-2.]

**S.O. 3191.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Madras Dock Workers (Regulation of Employment) Scheme, 1956 the same having been previously published as required by the said sub-section, namely:—

*Amendment Scheme*

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956, after clause 52, the following clause shall be inserted, namely:—

"52-A. *Arrears of dearness allowance, wages and other allowances.*—

In case of any revision of dearness allowance, wages or grant of revised wages or other allowances, with retrospective effect in pursuance of any award or recommendation of any Board or Body set up or of any order made, by the Central Government, the Board may out of its funds, pay the registered workers arrears up to the date of the award or, as the case may be, of the recommendation or order, if the Board so decides."

[No. 528/168/65-Fac.-3.]

**S.O. 3192.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Cochin Dock Workers (Regulation of Employment) Scheme 1959 the same having been previously published as required by the said sub-section, namely:—

*Amendment Scheme*

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, after clause 52, the following clause shall be inserted, namely:—

"52-A. *Arrears of dearness allowance, wages and other allowances.*—

In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any award or recommendation of any board or body set up or of any order made, by the Central Government, the Board may out of its funds, pay the registered workers arrears up to the date of the award or, as the case may be, of the recommendation or order, if the Board so decides."

[No. 528/168/65-Fac.-4.]



**S.O. 3193.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

*Amendment Scheme*

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, after clause 51, the following clause shall be inserted, namely:—

*"51-A. Arrears of dearness allowance, wages and other allowances—*

*In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any award or recommendation of any board or body set up or of any order made, by the Central Government, the Board may out of its funds, pay the registered workers arrears up to the date of the award or, as the case may be, of the recommendation or order, if the Board so decides."*

[No. 528/168/65-Fac.-5.]

**S.O. 3194.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965 the same having been previously published as required by the said sub-section, namely:—

*Amendment Scheme*

1. This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, after clause 54, the following clause shall be inserted, namely:—

*"54-A. Arrears of dearness allowance, wages and other allowances—*

*In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any award or recommendation of any board or body set up or of any order made, by the Central Government, the Board may out of its funds, pay the registered workers the arrears up to the date of the award or, as the case may be, of the recommendation or order, if the Board so decides."*

[No. 528/168/65-Fac.-6.]

**S.O. 3195.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Schedule to the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the following shall be added at the end of item (1):—

*"These shall include workers engaged in—*

- (a) Boiler cleaning on ships;
- (b) ship's hatch cleaning (in respect of chipping and painting work only);
- (c) paint washing on the over side of the ship and cleaning;
- (d) tank top cleaning;
- (e) caulking wooden decks with Oakum and pitch;
- (f) deep tank cleaning;

- (g) bilge cleaning;
- (h) mast cleaning and washing;
- (i) funnel cleaning;
- (j) deck washing with hole stones;
- (k) boot-topping scrubbing; and
- (l) water tank cleaning and cementing."

[No. 62/1/67-Fac.II.]

*New Delhi, the 2nd September 1967*

**S.O. 3196.**—The following draft of a scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th September, 1967.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, in clause 19—

(i) for sub-clause (3), the following shall be substituted namely:—

"(3) The Chairman or the Deputy Chairman may, for sufficient and valid reasons, allow the transfer of a monthly worker to the reserve pool or *vice versa* on a request in writing of the employer or the worker as the case may be explaining fully the reasons for the transfer and no such transfer shall take place without the prior approval in writing of the Chairman or the Deputy Chairman:

Provided that transfer in respect of a monthly worker to reserve pool shall be subject to the fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment;

Provided further that in the event of transfer of gang workers the transfer shall be of the gang as unit but each worker in the gang may individually apply for the transfer and their cases shall be dealt with on the merits of each such application for transfer and unless all the workers in a gang apply for transfer from the monthly register to the reserve pool or *vice versa* the decision for such transfer shall be taken on the views of the majority in a gang and the workers who do not agree to the transfer shall be transferred to the sub-pool of leave reserve workers."

(ii) after sub-clause (5), the following new sub-clause shall be inserted, namely:—

"(6) If a reserve pool worker is transferred to the monthly register, his previous service shall be reckoned for all benefits in the monthly register and the Board shall transfer to the monthly employer all benefits that have accrued to the worker in respect of previous service as if such service had not been transferred. The Board shall, in particular, transfer to the monthly employer such amount as may be appropriate towards the worker's leave, Provident Fund or Gratuity that may be due to him on the date of such transfer."

[No. 53/17/67/Fac. II.]

K. D. HAJEIA, Under Secy.

**(Department of Rehabilitation)**

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 26th August 1967*

**S.O. 3197.**—In exercise of the powers conferred by Sub-section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the Union Territory of Delhi, Shri Radha Krishna, Settlement Officer in the office of the Regional Settlement Commissioner, Delhi as Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the afternoon of the 27th July, 1967.

[No. 6(12)ARG/62.]

*New Delhi, the 30th August 1967*

**S.O. 3198.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints for the Union Territory of Delhi, Shri H. L. Goswami, Settlement Officer in the office of the Regional Settlement Commissioner, New Delhi as Managing Officer for the custody, management and disposal of compensation pool with effect from the date he took over charge of his office.

[No. 6(4)AGZ/67.]

**S.O. 3199.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (No. 44 of 1954) the Central Government hereby appoints Shri H. L. Goswami as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the afternoon of 27th July, 1967.

[No. 6(4)AGZ/67.]

A. G. VASWANI,

Settlement Commissioner (A) & *Ex-Officio* Under Secy.

